THE RULE OF SAINT AUGUSTINE AND THE CONSTITUTIONS OF THE ORDER OF THE SERVANTS OF MARY

REGULA BEATI PATRIS AUGUSTINI

ET

CONSTITUTIONES ORDINIS FRATRUM SERVORUM

BEATÆ MARIÆ VIRGINIS

The Rule of the Blessed Father Augustine

and the Constitutions of the Order of the

Friars Servants of the Blessed Virgin Mary

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Translated by @*ofsaintthomas* on X

Order of the Friar Servants of the Blessed Virgin Mary

(Servite Order — Ordo Servorum Beatæ Mariæ Virginis)

English Translation

Translated from the Latin edition of 1766

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LETTER OF THE PRIOR GENERAL

Fr. Hieronymus Maria Vernizzi of Bologna Master of Sacred Theology, Prior General of the entire Order of the Servants of the Blessed Virgin Mary

As copies of the previous edition — last printed in 1643 — dwindled day by day, the whole Order called with nearly one voice for the Constitutions to be reprinted. What was long desired has at last been accomplished; and accomplished, we believe, in a way that serves not merely the common desire but the greater benefit of all.

We wished first and foremost to preserve the text of our Constitutions intact, not departing from it even a nail's breadth — judging it a sacrilege, after the repeated and most solemn confirmations of the Supreme Pontiffs, to add or alter anything by our own judgment and will. The faults of orthography and errors of meaning that marred the 1643 edition, however, we have corrected by consulting ancient manuscripts and comparing the papal constitutions, while maintaining a better overall order. We have also added annotations at the end of nearly every chapter, which lead the reader to a clearer understanding of the text, remove obscurities, and eliminate ambiguities. These notes also indicate whatever has been established or declared for the good of regular discipline — by the Apostolic See, our Superiors, or those empowered to make laws — from 1643 to the present day.

May God grant that each man, mindful of his Profession, ponder this book by day and by night — not as a despiser of its laws, nor as a forgetful hearer, but as a cheerful doer of the salutary works it prescribes — so that he may receive from the Lord that blessing of reward which He has freely promised to those who faithfully keep the law and love Him with a pure heart.

BULL OF POPE GREGORY XIII — 1579

Gregory Pope XIII — To the Perpetual Memory of the Matter.

As we have been informed, the Brothers of the Order of the Servants of the Blessed Mary Ever-Virgin, gathered in General Chapter at Parma, enacted certain Statutes for the reform of the Order, and charged Alexander, Provincial of Lombardy; Paul, Provincial of Venice; and Cyrillus, Companion of the Province of Romagna — together with Jacob of Florence, Prior General, and Antonio of Borgo San Sepolcro, Procurator in Rome — to correct and reform all the Constitutions of the Order according to the reform decrees of our predecessor Pope Pius V, and to seek our confirmation of them.

These men assembled at the Monastery of San Marcello in Rome, corrected and compiled the Constitutions, clarified ambiguities, added new provisions where needed, and humbly petitioned us for confirmation. Having had them reviewed with full diligence by Cardinal Julius Antonio of Santa Severina as Vice-Protector, and revoking in the first place the earlier Constitutions published in 1569, we approve and confirm by Apostolic authority all and each

of these Constitutions and Ordinances, and add to them the strength of perpetual and inviolable firmness. We command all Brothers of the Order to observe them inviolably, and decree that these letters may at no time be challenged, impugned, revoked, suspended, limited, or derogated from by anyone whatsoever.

Given at Rome at Saint Peter's under the Ring of the Fisherman, 21 September 1579, in the eighth year of our Pontificate. — C. Glorierius

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DECREE OF CARDINAL FARNESE, PROTECTOR — 1579

Alexander, Cardinal Farnese, Vice-Chancellor of the Holy Roman Church and Protector of the Order of the Servants of the Blessed Mary Ever-Virgin.

To all the Fathers, Masters, Licentiates, Bachelors, and Brothers of the Order, eternal greeting in the Lord.

Since the Constitutions of your Order — reformed, compiled, and published by the General Chapter at Parma in 1579, and carefully reviewed in our absence by Cardinal Julius Antonio of Santa Severina as Vice-Protector — were presented to us at Viterbo by the Most Reverend Father Master Jacob Tavantius, Prior General, asking that we confirm them by the authority of our protection over the whole Order: we have judged these Constitutions worthy of approval and confirmation, and by the present decree we approve and confirm all and each of them, commanding that they be received and inviolably observed by all professed members of the Order henceforth.

Given at the Fortress of Viterbo, 1 October 1579. — A. Cardinal Farnese, Protector

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PREFACE OF FR. JACOB TAVANTIUS, PRIOR GENERAL — 1579

Just as certain things can never be overturned by human reason — such as the divine commandments of God — and many other things must be accommodated to the necessity of times, places, and persons: so the Order of Servants, serving God under the protection of the Blessed Virgin Mary according to the Rule of Saint Augustine, has held this Rule unshaken and stable for three hundred and twenty-seven years, unchanged by any disturbance of times or vicissitude of affairs. The Rule is founded on the love of God and neighbor, and nothing has been able to alter it.

The Constitutions and Statutes of our Fathers, however, though they strive by a different path toward the same degree of blessedness, have undergone some change over time, as God more clearly teaches the paths of salvation. Yet their essential nerve has never withered — what pertains to regular life, to subduing the flesh by prayer and vigil, to the ordering of conduct, to the flight from the world — these have been stable and firm. What human

weakness cannot bear, what the calamity of the times urges, what the disorder of morals requires — these have been changed.

Therefore the Constitutions we now hold are not entirely new, nor entirely old. In them the ancient piety of our Order flourishes, charity endures, and the goal of eternal life is perpetuated — these things are most ancient. But from the variety of times, places, and persons, something new is also recognized in them.

Ten years before the present, our wisest predecessors attempted to renew these laws for just causes — but I know not by what mishap (unless the Devil, to whom everything pleasing to God is supremely displeasing, is to blame) they could never accomplish it. At last God the Father of consolation, and the Blessed Virgin Mary, gave their assent. In the General Chapter at Parma on 26 May 1579, three men were chosen from the wisest present to carry out this work: Master Alexander of Scandiano, Provincial of Lombardy; Master Paulus of Venice, Provincial of Venice; and Master Cyrillus of Bologna, Companion of the Province of Romagna.

These men came to Rome at the end of June and, with the highest charity, began their work under the guidance and blessing of Pope Gregory XIII himself, and the admonition of the Protector and Vice-Protector to observe the Regular Institutions to the letter. They brought the Constitutions into conformity with the decrees of the Council of Trent, with the reform and union of the Order (previously divided into two families) effected by Pope Pius V, and with the new establishment of the Provinces of Venice and Mantua.

But as soon as this work was begun, a vehement storm arose — so fierce that these Fathers at times thought of abandoning the undertaking and leaving the City. They were detained in Rome for months, at enormous expense, in midsummer heat, enduring the gravest labors of body and soul. Through all this they arranged everything — correcting, declaring, and adding as needed for the removal of abuses — so that all was finally comprehended in forty-three Chapters. These were reviewed, revised, and corrected at the Pope's order; presented by the Vice-Protector to Pope Gregory XIII, who first confirmed them by word of mouth and then by Apostolic Brief; and graciously approved by decree by Cardinal Farnese, the Protector.

These Constitutions — corrected by our Fathers, conformable to the decrees of the Church and the holy Fathers, not repugnant to the first institutions of the Order, approved by the Protector, and confirmed by the Supreme Pontiff — all good men will receive with equanimity. In them good is commanded, reward is promised to virtue, transgression is forbidden, evil is punished — they contain honesty, justice, possibility, and fittingness. And if anyone should doubt their wisdom, let him hear Isidore and Gratian: *It should be known that most chapters must be considered with regard to cause, person, place, and time; and since their manner is not investigated to the marrow, some become entangled in the labyrinth of error, judging before they understand, and blaming before they have read and re-read.*

— *Fr. Prosper of Florence, Servite, Bachelor*

A POEM

Minos, Zalmoxis, Draco, Lycurgus, Jacob — For Cretans, Scythia, Athens, Lacedaemon, the Servants — Instructed, subdued, governed, adorned, and increased their peoples With laws and sacred decrees, So that by keeping these, it would be lawful To scale the stars of the glittering heaven, crowned with a shining diadem.

Whoever therefore desires to swiftly ascend to radiant Olympus, Let him hasten gladly to obey these very laws Which the venerable Father Jacob has sanctioned in this book. He added much, and more briefly and better repaired each item, Placing them in chosen and most beautiful order — The things which the ancient Fathers long ago established by various paths.

FIRST BULL OF POPE URBAN VIII — 23 February 1639

Urban Pope VIII — To the Perpetual Memory of the Matter.

The ministry of the Apostolate continually admonishes Us that the faithful of Christ, who persist in His service under the sweet yoke of Religion, may be happily governed, and that to things established for their good we willingly add the firmness of Apostolic confirmation.

It was set forth before Us on behalf of Angelo Maria Berardi, Prior General of the Order, that from the decrees of several General Chapters celebrated between 1580 and 1633, certain provisions for the reform, correction, declaration, and interpretation of the Constitutions were collected and reduced into one by the Father Definitors of the General Chapter of 1633, and approved by the signature of each Father voter of that Chapter. The Prior General desired these to be strengthened by Apostolic confirmation.

We therefore confirm and approve by Apostolic authority all of the above-mentioned Decrees, organized by chapter, and add to them the strength of inviolable Apostolic firmness. Decreeing that these Decrees be joined to the other Statutes and Constitutions of the Order confirmed by Apostolic authority, and be inviolably observed by all Brothers of the Order.

(This Bull incorporates, organized by the forty-three chapters of the Constitutions, all the supplementary decrees collected from General Chapters between 1580 and 1633 — covering the full range of subjects from Marian devotion, the Divine Office, and suffrages for the dead, through the reception of novices, academic degrees, administration of goods, the powers of the General and other superiors, visitations, and the various grades of fault and their penalties.)

Given at Rome at Saint Peter's under the Ring of the Fisherman, 23 February 1639, in the Sixteenth Year of our Pontificate. — M.A. Maraldus

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LETTER OF CARDINAL SACCHETTI, PROTECTOR — 10 May 1642

(Page LI)

Julius, Cardinal Sacchetti, Protector of the Order of the Servants of the B.V.M. — To all the Brothers of the same Order, greeting in the Lord.

Such is the condition of human affairs, most beloved Brothers, that man either establishes his affairs with difficulty, or, having established them, recognizes over the course of time that they must be better arranged. Hence the ancient Constitutions of your Order — not altered, but augmented and arranged from various declarations both of your own Chapters and of the Apostolic See, and compiled in this new and better form through diligent study — now come forth into the light. Apply yourselves, most beloved, to forming your conduct and souls toward a more refined devotion together with the Rule itself; so that the Virgin to whom you are joined in mortal garb through your service may deign more readily to acknowledge you as her Servants and declare it so.

Given at Rome, 10 May 1642. — J. Cardinal Sacchetti, Protector

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SECOND BULL OF POPE URBAN VIII — 15 October 1643

(Pages LI–LIV)

Urban Pope VIII — To the Perpetual Memory of the Matter.

As it was set forth before Us by the Procurator General of the Order that certain specific passages of the Constitutions required amendment, We confirm and approve the following specific changes:

- **Chapter XI** *(On Promotion to Orders)*: A clause is added requiring that letters dimissorial expressly state the reason for the diocesan bishop's absence or inability to hold ordinations.
- **Chapter XIV** *(On Promotion to Degrees)*: The phrase "according to their customarily received faculties" is deleted and replaced with a reference to the Apostolic letters of Innocent VIII concerning promotion to the Mastership.
- **Chapter XXIV** *(On Administration of Goods)*: A clause is added allowing Superiors to provide for the religious necessities of those on whose account certain capital was brought, from the revenues of that capital.
- **Chapter XXV** *(On the Powers of the General)*: A clause is added: "unless it shall seem otherwise to the General Chapter."

- **Chapter XXXV** *(On More Serious Fault)*: A clause is added providing that without the license of Superiors, unless charity toward neighbors suggests otherwise, a brother guilty of more serious fault shall be removed from the convent for one year.
- **Chapter XL** *(On the Conventual Chapter)*: The word "indirect" is changed to "undue" in the prohibition of soliciting votes, and a clause is added explicitly prohibiting all favor from laymen and clerics, in accordance with the Decree of Clement VIII.
- **Chapter XLI** *(On the Provincial Chapter)*: The phrase "With the consent of the General" is deleted from a specific provision.
- **Chapter XLIII** *(On the Constitutions)*: The qualifying words "provided there be no contempt, or the transgression has not passed into custom" are deleted from the provision on the binding force of the Constitutions.

We confirm and approve all the above changes by Apostolic authority and decree that they be inviolably observed by all Brothers of the Order.

Given at Rome at Saint Peter's under the Ring of the Fisherman, 15 October 1643, in the Twentieth Year of our Pontificate. — M.A. Maraldus

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ADDRESS OF FR. ANGELO MARIA BERARDIUS, PRIOR GENERAL — 1643

(Pages LIV–LVI)

Fr. Angelo Maria Berardius of Perugia, Professor of Sacred Theology, Prior General of the entire Order of the Servants of the B. Mary Ever-Virgin under the Rule of S. Augustine — To the beloved Fathers and Brothers of his Order, greetings in the Lord.

Raised to the highest office in this family of the Virgin Mother of God by God most good and great, under the authority of Urban VIII, we considered it from the very beginning of our office always our chief duty — as present times allow — to recall this family, impaired as it was by certain abuses that had crept in, to its former integrity.

For we see — and we see not without great sorrow — that our associates have departed not a little from the pious footsteps of holiness and the morals of an unblemished life as practiced by our Superior Fathers, and depart more day by day. Whether this comes from the fault of a nature always tending toward worse, or from the consuming tooth of time — by whose silent gnawing even those labors perish which mortals have entrusted to the protection of great towers — if marble and steel are corroded by time, how much more will the human intellect degenerate from the integrity of morals acquired through studies and vigils? Indeed even the strongest eagles beget timid doves, and the very earth, unless the diligent industry of a husbandman lends its aid, easily runs wild with undergrowth.

As by forgetfulness of laws it grows old, so by their restoration it revives as with renewed youth. Hence the Princes and leaders of kingdoms assemble in councils and conventions, so that the tottering fabric of the empire may be strengthened by new legislation. And the same reason urged us too — upon whose vigilance the public welfare of our associates has been entrusted — to strive with all effort and strength, under the patronage of the Virgin Mother of God, either to prevent the family of the Servants from falling, or to support it as it totters; and that we should publish these restored Constitutions.

These are not so much the fruit of our own labor as of the learning and prudence of all the Fathers of this family, who labored especially in the General Chapters of 1625 and 1633. Among these, the first place is perhaps held by: Master Philip Ferrarius of Alexandria, Master Henry Anthony Burgus of Castelnuovo, and the Very Reverend Fathers Master Felician Penna of Perugia and Master Nicholas Coe of Cremona — on whose wisdom the great burden of restoring the Constitutions fell by authority of the General Chapter of 1625.

These laws our Most Holy Lord entrusted to be examined and investigated by Cardinals de Lante, Sacchetti, and Brancaccio of the Holy Roman Church, who approved them with unanimous assent. Lord Marcus Aurelius Maraldus, Secretary of the Secret Briefs of Urban VIII, rendered eminent service and with some correction applied presented them to His Holiness in an arrangement of wonderful elegance. With his assent and command they now come forth at last into the light.

I will not here pursue at length my exhortation — whether to those whom the virtue of each of you has placed over monasteries and provinces, to commend by distinguished example the observance of these laws; or to the rest who obey another's will with religious compliance, to express in your morals with singular emulation what is impressed in these pages. Let us remember from whom we take our name and our origin; let us remember what vows we promised to the Virgin, what to God, when we swore the words of the manifold Sacrament; let us remember the divine precept: *Let your light so shine before men — whose spectacle we have become — that they may see your good works.* These are the vows of mortal men; this is the hope that the world has conceived of us when it heard the most holy name of the Servants of the Virgin — that it might behold in our example that perfect form of holiness which, divorced from the senses, it cannot otherwise conceive.

We shall present this form more clearly by the religious observance of these Constitutions. And it will be the less arduous for us, because what appeared to present the greater difficulty has either been wholly set aside or considerably moderated. Meanwhile, as I augur for you the full attainment of this, I bid you farewell for the common happiness and advantage.

[End of Prefatory Documents]

THE RULE OF SAINT AUGUSTINE, BISHOP OF HIPPO REGIUS

CHAPTER I -- **THE PURPOSE AND BASIS OF COMMON LIFE**

Above all things, most beloved brethren, let God be loved, and then your neighbor; for these are the chief commandments given to us. The following are the precepts we order you living in the monastery to observe. The main purpose for you having come together is to live harmoniously in your house, intent upon God in oneness of mind and heart. Call nothing your own, but let everything be yours in common. Food and clothing shall be distributed to each of you by your superior, not equally to all, for all do not enjoy equal health, but rather according to each one's need. For so you read in the Acts of the Apostles that *they had all things in common and distribution was made to each one according to each one's need* (4:32,35). Those who owned something in the world should be careful in wanting to share it in common once they have entered the monastery. But they who owned nothing should not look for those things in the monastery that they were unable to have in the world. Nevertheless, they are to be given all that their health requires even if, during their time in the world, poverty made it impossible for them to find the very necessities of life. And those should not consider themselves fortunate because they have found the kind of food and clothing which they were unable to find in the world. And let them not hold their heads high, because they associate with people whom they did not dare to approach in the world, but let them rather lift up their hearts and not seek after what is vain and earthly. Otherwise, monasteries will come to serve a useful purpose for the rich and not the poor, if the rich are made humble there and the poor are puffed up with pride. The rich, for their part, who seemed important in the world, must not look down upon their brothers who have come into this holy brotherhood from a condition of poverty. They should seek glory in the fellowship of poor brothers rather than in the reputation of rich relatives. They should neither be elated if they have contributed a part of their wealth to the common life, nor take more pride in sharing their

riches with the monastery than if they were to enjoy them in the world. Indeed, every other kind of sin has to do with the commission of evil deeds, whereas pride lurks even in good works in order to destroy them.And what good is it to scatter one's wealth abroad by giving to the poor, even to become poor oneself, when the unhappy soul is thereby more given to pride in despising riches than it had been in possessing them? Let all of you then live together in oneness of mind and heart, mutually honoring God in yourselves, whose temples you have become.

CHAPTER II -- **ON PRAYER AND MORTIFICATION**

Be assiduous in prayer at the appointed hours and times. In the oratory let no one do anything other than that for which it was made. When you pray to God with psalms and hymns, let that dwell in the heart which is uttered by the voice. Chant only what is prescribed for chant; moreover, let nothing be chanted unless it is so prescribed. Subdue the flesh, so far as your health permits, by fasting and abstinence from food and drink. However, when someone is unable to fast, he should still take no food outside mealtimes unless he is ill. When you come to the table, listen until you leave to what is the custom to read, without disturbance or strife. Let not your mouths alone take nourishment but let your hearts too hunger for the words of God. If those in more delicate health from their former way of life are treated differently in the matter of food, this should not be a source of annoyance to the others or appear unjust in the eyes of those who owe their stronger health to different habits of life. Nor should the healthier brothers deem them more fortunate for having food which they do not have, but rather consider themselves fortunate for having the good health which the others do not enjoy. And if something in the way of food, clothing, and bedding is given to those coming to the monastery from a more gentle way of life, which is not given to those who are stronger, and therefore happier, then these latter ought to consider how far these others have come in passing from their life in the world down to this life of ours, though they have been unable to reach the level of frugality common to the stronger brothers. Nor should all want to receive what they see given in larger measure to the few, not as a token of honor, but as a help to support them in their weakness. This would give rise to a deplorable disorder - that in the monastery, where the rich are coming to bear as much hardship

as they can, the poor are turning to a more genteel way of life. And just as the sick must take less food to avoid discomfort, so too, after their illness, they are to receive the kind of treatment that will quickly restore their strength, even though they come from a life of extreme poverty. Their more recent illness has, as it were, afforded them what accrued to the rich as part of their former way of life. But when they have recovered their former strength, they should go back to their happier way of life which, because their needs are fewer, is all the more in keeping with God's servants. Once in good health, they must not become slaves to the enjoyment of food which was necessary to sustain them in their illness. For it is better to suffer a little want than to have too much.

CHAPTER III – **ON CHASTITY AND FRATERNAL CORRECTION**

There should be nothing about your clothing to attract attention. Besides, you should not seek to please by your apparel, but by a good life. Whenever you go out, walk together, and when you reach your destination, stay together. In your walk, deportment, and in all actions, let nothing occur to give offense to anyone who sees you, but only what becomes your holy state of life. Although your eyes may chance to rest upon some woman or other, you must not fix your gaze upon any woman. Seeing women when you go out is not forbidden, but it is sinful to desire them or to wish them to desire you, for it is not by tough or passionate feeling alone but by one's gaze also that lustful desires mutually arise. And do not say that your hearts are pure if there is immodesty of the eye, because the unchaste eye carries the message of an impure heart. And when such hearts disclose their unchaste desires in a mutual gaze, even without saying a word, then it is that chastity suddenly goes out of their life, even though their bodies remain unsullied by unchaste acts. And whoever fixes his gaze upon a woman and likes to have hers fixed upon him must not suppose that others do not see what he is doing. He is very much seen, even by those he thinks do not see him. But suppose all this escapes the notice of man - what will he do about God who sees from on high and from whom nothing is hidden? Or are we to imagine that he does not see because he sees with a patience as great as his wisdom? Let the religious man then have such fear of God that he will not want to be an occasion of sinful pleasure to a woman. Ever mindful that God sees all things, let him not desire to look at a woman lustfully. For it is on

this point that fear of the Lord is recommended, where it is written: *An abomination to the Lord is he who fixes his gaze* (Prov. 27:20) So when you are together in church and anywhere else where women are present, exercise a mutual care over purity of life. Thus, by mutual vigilance over one another will God, who dwells in you, grant you his protection. If you notice in someone of your brothers this wantonness of the eye, of which I am speaking, admonish him at once so that the beginning of evil will not grow more serious but will be promptly corrected. But if you see him doing the same thing again on some other day, even after your admonition, then whoever had occasion to discover this must report him as he would a wounded man in need of treatment. But let the offense first be pointed out to two or three so that he can be proven guilty on the testimony of these two or three and be punished with due severity. And do not charge yourselves with ill-will when you bring this offense to light. Indeed, you are the greater blame if you allow your brothers to be lost through your silence when you are able to bring about their correction by your disclosure. If your brother, for example, were suffering a bodily wound that he wanted to hide for fear of undergoing treatment, would it not be cruel of you to remain silent and a mercy on your part to make this known? How much greater then is your obligation to make his condition known lest he continue to suffer a more deadly wound of the soul. But if he fails to correct the fault despite this admonition, he should first be brought to the attention of the superior before the offense is made known to the others who will have to prove his guilt, in the event he denies the charge. Thus, corrected in private, his fault can perhaps be kept from the others. But should he feign ignorance, the others are to be summoned so that in the presence of all he can be proven guilty, rather than stand accused on the word of one alone. Once proven guilty, he must undergo salutary punishment according to the judgment of the superior or priest having the proper authority. If he refuses to submit to punishment, he shall be expelled from your brotherhood even if he does not withdraw of his own accord. For this too is not done out of cruelty, but from a sense of compassion so that many others may not be lost through his bad example. And let everything I have said about not fixing one's gaze be also observed carefully and faithfully with regard to other offenses: to find them out, to ward them off, to make them known, to prove and punish them - all out of love for man and a hatred of sin. But if anyone should go so far in wrongdoing as to receive letters in secret from any woman, or small gifts of any kind, you ought to show mercy and pray for him if he confesses this of his own accord. But if the offense is detected and he is found guilty, he must be more severely chastised according to

the judgment of the priest or superior.

CHAPTER IV – **THE CARE OF COMMUNITY GOODS AND TREATMENT OF THE SICK**

Keep your clothing in one place in charge of one or two, or of as many as are needed to care for them and to prevent damage from moths. And just as you have your food from the one pantry, so, too, you are to receive your clothing from a single wardrobe. If possible, do not be concerned about what you are given to wear at the change of seasons, whether each of you gets back what he had put away or something different, providing no one is denied what he needs. If, however, disputes and murmuring arise on this account because someone complains that he received poorer clothing than he had before, and thinks it is beneath him to wear the kind of clothing worn by another, you may judge from this how lacking you are in that holy and inner garment of the heart when you quarrel over garments for the body. But if allowance is made for your weakness and you do receive the same clothing you had put away, you must still keep it in one place under the common charge. In this way, no one shall perform any task for his own benefit but all your work shall be done for the common good, with greater zeal and more dispatch than if each one of you were to work for yourself alone. For charity, as it is written, *is not self-seeking* (1 Cor 13:5) meaning that it places the common good before its own, not its own before the common good. So whenever you show greater concern for the common good than for your own, you may know that you are growing in charity. Thus, let the abiding virtue of charity prevail in all things that minister to the fleeting necessities of life. It follows, therefore, that if anyone brings something for their sons or other relatives living in the monastery, whether a garment or anything else they think is needed, this must not be accepted secretly as one's own but must be placed at the disposal of the superior so that, as common property, it can be given to whoever needs it. But if someone secretly keeps something given to him, he shall be judged guilty of theft. Your clothing should be cleaned either by yourselves or by those who perform this service, as the superior shall determine, so that too great a desire for clean clothing may not be the source of interior stains on the soul. As for bodily cleanliness too, a brother must never deny himself the use of the bath

when his health requires it. But this should be done on medical advice, without complaining, so that even though unwilling, he shall do what has to be done for his health when the superior orders it. However, if the brother wishes it, when it might not be good for him, you must not comply with his desire, for sometimes we think something is beneficial for the pleasure it gives, even though it may prove harmful. Finally, if the cause of a brother's bodily pain is not apparent, you may take the word of God's servant when he indicates what is giving him pain. But if it remains uncertain whether the remedy he likes is good for him, a doctor should be consulted. When there is a need to frequent the public baths or any other place, no fewer than two or three should go together, and whoever has to go somewhere must not go with those of his own choice but with those designated by the superior. The care of the sick, whether those in convalescence or others suffering from some indisposition, even though free of fever, shall be assigned to a brother who can personally obtain from the pantry whatever he sees is necessary for each one. Those in charge of the pantry, or of clothing and books, should render cheerful service to their brothers. Books are to be requested at a fixed hour each day, and anyone coming outside that hour is not to receive them. But as for clothing and shoes, those in charge shall not delay the giving of them whenever they are required by those in need of them.

CHAPTER V – **ASKING PARDON AND FORGIVING OFFENSES**

You should either avoid quarrels altogether or put an end to them as quickly as possible; otherwise, anger may grow into hatred, making a plank out of a splinter, and turn the soul into a murderer. For so you read: *Everyone who hates his brother is a murderer* (1 Jn 3:15). Whoever has injured another by open insult, or by abusive or even incriminating language, must remember to repair the injury as quickly as possible by an apology, and he who suffered the injury must also forgive, without further wrangling. But if they have offended one another, they must forgive one another's trespasses for the sake of your prayers which should be recited with greater sincerity each time you repeat them. Although a brother is often tempted to anger, yet prompt to ask pardon from one he admits to having offended, such a one is better than another who, though less given to anger, finds it too hard to ask forgiveness. But a brother who is never willing to ask pardon, or does not do so from his heart, has no reason to be in the monastery, even if he is not

expelled. You must then avoid being too harsh in your words, and should they escape your lips, let those same lips not be ashamed to heal the wounds they have caused. But whenever the good of discipline requires you to speak harshly in correcting your subjects, then, even if you think you have been unduly harsh in your language, you are not required to ask forgiveness lest, by practicing too great humility toward those who should be your subjects, the authority to rule is undermined. But you should still ask forgiveness from the Lord of all who knows with what deep affection you love even those whom you might happen to correct with undue severity. Besides, you are to love another with a spiritual rather than an earthly love.

CHAPTER VI – **GOVERNANCE AND OBEDIENCE**

The superior should be obeyed as a father with the respect due him so as not to offend God in his person, and, even more so, the priest who bears responsibility for you all. But it shall pertain chiefly to the superior to see that these precepts are all observed and, if any point has been neglected, to take care that the transgression is not carelessly overlooked but is punished and corrected. In doing so, he must refer whatever exceeds the limit and power of his office, to the priest who enjoys greater authority among you. The superior, for his part, must not think himself fortunate in his exercise of authority but in his role as one serving you in love. In your eyes he shall hold the first place among you by the dignity of his office, but in fear before God he shall be as the least among you. He must show himself as an example of good works toward all. *Let him admonish the unruly, cheer the fainthearted, support the weak, and be patient toward all* (1 Thes 5:14). Let him uphold discipline while instilling fear. And though both are necessary, he should strive to be loved by you rather than feared, ever mindful that he must give an account of you to God. It is by being more obedient, therefore, that you show mercy not only toward yourselves but also toward the superior whose higher rank among you exposes him all the more to greater peril.

CHAPTER VII – **OBSERVANCE OF THE RULE**

The Lord grant that you may observe all these precepts in a spirit of charity as lovers of spiritual beauty, giving forth the good odor of Christ in the holiness of your lives: not as slaves living under the law but as men living in freedom under grace. And that you may see yourselves in this little book, as in a mirror, have it read to you once a week so as to neglect no point through forgetfulness. When you find that you are doing all that has been written, give thanks to the Lord, the Giver of every good. But when one of you finds that he has failed on any point, let him be sorry for the past, be on his guard for the future, praying that he will be forgiven his fault and not be led into temptation.

EDITORIAL NOTE *(Monitum)*

The notes that recur throughout these Constitutions marked with an asterisk (*) refer to one of two things. The first asterisk indicates additions made to the Constitutions confirmed by the Bull of Urban VIII beginning *Sacrosancti Apostolatus*, dated 23 February 1639. The second indicates changes likewise made to these same Constitutions just as they were going to press, confirmed by a second Bull of the same Supreme Pontiff dated 15 October 1643, beginning *Alias pro parte*, etc. We also note that the folios and lines of the Constitutions cited in that second Bull correspond to the 1643 edition, not this one. It is easy enough to find what is sought, however, since the same Chapters remain, to which the Bull likewise directs the reader.

CONSTITUTIONS OF THE ORDER OF THE FRIARS SERVANTS OF THE BLESSED VIRGIN MARY

Under the Rule of Saint Augustine

CHAPTER I — On the Acts of Veneration to Be Rendered to the Blessed Virgin Mary

On the Acts of Veneration to Be Rendered to the Blessed Virgin Mary

Since the Order of Servants wages its service to God under the special protection of the Blessed Virgin Mary, it is fitting that it honor her with special acts of service and veneration above all in the Divine Offices. Therefore, in whatever church of our Order there may be, let there be a chapel or altar dedicated in honor of the same Blessed Virgin; * and if it can conveniently be arranged, let an image of her be present at all altars, so that she may be saluted in the customary way both at the beginning and at the end of Mass. Likewise, in all churches there shall be an altar, or at least an image, of Saint Philip, whose feast is to be celebrated everywhere.

Every Wednesday a votive Mass of the Blessed Virgin Mary shall be sung, unless it be a feast of nine lessons, a ferial day of Advent or Lent, an Ember Day, or a Vigil; and in this Mass the collect *Omnipotens sempiterne Deus, qui facis mirabilia solus* shall be said for the Most Eminent and Reverend Cardinal Protector of our Order. Each evening the Vigil Office of the Blessed Virgin shall also be said with three lessons and two responsories; and after the third lesson, the Salve Regina shall be said — but on Fridays it shall be sung

as on a double feast. The antiphon Salve Regina shall be sung devoutly every day after Compline without repetition of words, except on feast days when it should be sung after Vespers for the devotion of the people. * At the same time the Litany of the Blessed Virgin shall be sung or recited according to local custom, with the versicle *Ora pro nobis*, the responsory *Ut digni*, and the prayer *Pietate tua*, as in the Book of Offices of our Order; * and all the brothers of the convent — even officials, even Provincials — shall gather for this, setting aside all other business; and so that none may have an excuse, the bell shall be rung for this purpose.

At the beginning of each Hour (except the Hours of the Little Office of the Blessed Virgin when it is said in choir), the week-server shall say aloud the versicle *Ave Maria, gratia plena, Dominus tecum*, and the choir shall respond: *Benedicta tu in mulieribus, et benedictus fructus ventris tui Jesus*. At the beginning of Mass also, before the versicle *In nomine Patris*, these same words shall be said by the celebrant with the clerk responding; and at the end of Mass the priest shall say the antiphon Salve Regina kneeling — even during Eastertide — with the versicle *Ora pro nobis* without Alleluia, then rising he shall say the prayer *Omnipotens sempiterne Deus, qui gloriose*.

The Little Office of the Blessed Virgin shall be said in choir according to the order of the Roman Breviary; and on days when it is not said in choir, it shall be devoutly recited by the brothers in pairs or in greater numbers according to the convenience of the place. In reciting the Little Office of the Blessed Virgin, both in choir and outside it, during Eastertide the Alleluia shall not be said except after the versicle *Domine, ad adjuvandum me festina*; this custom shall be observed also in reciting or chanting the Vigil of the same Blessed Virgin during Eastertide; and it shall always be read or sung with three antiphons. On feast days, the Sorrows of the Blessed Virgin shall be commemorated according to local custom.

CHAPTER II — On the Divine Office of the Church

On the Divine Office of the Church

Mass, Matins, the Canonical Hours, and all other Divine Offices shall be celebrated according to the order of the Roman Church (and in accordance with the regular institutions of our Order) at their proper times. Matins shall never be said on the preceding evening, but in all convents it shall always be sung after midnight and before dawn, and not merely read in a plain voice — except during the Octave of Corpus Christi, where Vespers of the preceding day shall be sung according to the custom of each convent.*

All the Divine Offices shall be recited distinctly, devoutly, and at a measured pace, in a clear and intelligible voice, with proper pauses and punctuation, so as to be understood by those present — and they shall always be celebrated attentively, with solemn chant on the customary days. When commemorations are made of the holy Apostles Peter and Paul, commemorations shall also be made of Saint Augustine and Saint Philip, and of the holy Patrons of the place where the convent is situated: in the Mass in the collect *A cunctis*; in Vespers and Matins with additional antiphons and prayers from the Proper or Common according to local custom.* If the church is dedicated to the Angels or to Saint John the Baptist, their commemoration shall precede that of the Apostles Peter and Paul.

A double feast with an Octave shall be observed on the feasts of the Purification, the Annunciation (outside of Lent), the Visitation, the Presentation, and the Conception of the Blessed Virgin Mary; likewise on the feasts of Saint Augustine and our holy Father Philip, in whose honor a chapel or altar shall be maintained in every church. Without an Octave: the feasts of Saint Peter Martyr, the Blessed Joachim of Siena and Peregrine of Forlì Confessors, and Saint Monica Mother of Saint Augustine. Every Saturday outside Advent, Lent, and Vigils, when not impeded by a feast of nine lessons, the Office shall be

recited of the Blessed Virgin under the semi-double rite, as noted in the Books of Offices of our Order. In all other matters the order of the Roman Breviary and Missal shall be followed. The bell shall be rung before Mass and the Canonical Hours according to local custom. At least two wax lights shall always be lit during Mass and other Divine Offices.

Those going to the altar to celebrate, and returning, shall walk with dignity, with the head covered not with a biretta but with the amice. At Confession, no one may insert the name of any saint out of private devotion. The Conventual Mass shall be sung daily in convents, especially collegiate ones — that is, where there are at least twelve members of the household — and all brothers of the convent, both clerics and laybrothers, shall be present at it unless prevented by public business. Those who cannot attend due to a legitimate impediment shall either celebrate privately or hear a private Mass. A fixed hour for celebrating shall be assigned to each priest (excepting Superiors, Preachers, and Lecturers). On the first unimpeded day of each month the Conventual Mass shall be sung of the Holy Spirit or of Our Lady, for benefactors, for the necessities and growth of the Order; and each individual priest shall celebrate for the same intention — if not bound by another obligation — or at least shall pray for this during the sacrifice of the Mass and in private spiritual exercises.*

All clerics (including Superiors and anyone holding privileges) shall attend the daytime and nighttime Canonical Hours, except those engaged in public business for a legitimate reason; some dispensation may be granted to such for the time they are actually occupied in the affairs of the convent and Order. Superiors may dispense Lecturers and Preachers only on days when they actually lecture or preach; the same may be done for the sick and those legitimately impeded by reason of studies. Those who are negligent or disobedient shall be punished by Superiors according to the Constitutions, even with withdrawal of food if necessary.

Nor shall it suffice for any house merely to have celebrated the Masses owed through foundation, statute, custom, or the Superior's prescription; but all brother-priests — even

those not strictly bound — shall celebrate Mass as frequently as possible. All shall know that those in sacred orders and those who have made profession are bound to recite the Canonical Hours each day and shall therefore take care never to omit the Divine Office. If any are publicly noted for not having Roman Breviaries, or for frequently omitting the Divine Office, or for rarely celebrating Mass, and after three admonitions by the Prior have neglected to reform, they shall be permanently deprived of active and passive voice and of every office. Public business shall not excuse administrators of convents: even if they cannot attend choir with the others, they are bound to recite the entire Office in private. Laybrothers and those who cannot read shall say the Crown twice daily in place of the Divine Office so that they may more conveniently carry out their duties at home and abroad.

All priests shall celebrate Mass according to the Ordinary of the Roman Missal, devoutly, neither too hastily nor too slowly, but with a fitting and measured pace. In the commemoration of the faithful living, they shall remember the Most Eminent and Reverend Protector and the Prior General, and commend them to God.* All the brothers of every convent shall use the Missal, Breviary, and sacred vestments for the Divine Offices and all other ceremonies according to the rite and custom of the Holy Roman Church. The sacred furnishings of the sacristy, of whatever kind, shall in no way be alienated, pawned, or lent out, but shall serve only the church of the convent.

The Confiteor shall be said at Prime and Compline by the week-server, who shall also sprinkle the brothers with holy water while the Salve Regina is being sung. At the end of Compline there shall be a commemoration for the deceased with the psalm *De profundis*, a versicle, a responsory, and the prayer *Absolve*. When this is finished, all shall genuflect toward the senior Superior and say *Jube, domne, benedicere*, and he shall give them the paternal blessing. * When the General, Provincial, or Conventual Prior is absent, brothers receiving the blessing outside the choir — as happens in many places — shall turn toward the worthiest or most senior person present. * When this is done, all shall assemble for mental prayer for half an hour; and this shall also be kept daily for another

half hour after Matins.

When the brothers come to church to celebrate the Divine Offices, by day and night they shall approach fully clothed in their habit. And so that all occasion of scandal may be removed, no one during the time the Divine Offices are being celebrated shall walk about the church or in front of its doors, nor stand at the sacristy doors, nor sit near the choir, nor presume to pass through the church — under pain of not leaving the enclosure of the monastery for two months.

CHAPTER III — On Suffrages for the Dead

When any member of our Order, or any of those who enjoy its privileges, departs from this life, the Prior of the convent shall notify his Provincial as soon as possible, and the Provincial is bound to inform all his Provincials. The Provincials in turn shall notify all the Priors of their provinces; and when this has come to their knowledge, Vespers, Matins, and Lauds of the Dead, and the Conventual Mass, shall be celebrated in all convents for the soul of the deceased. When the Mass is finished, a Responsory shall be sung, at which all clerics and laybrothers shall be present; and every priest, as soon as he has certain knowledge of the death of a brother, shall celebrate three Masses for his soul; clerics shall recite the Office of the Dead; those who cannot read shall say two Crowns of the Blessed Virgin.

For the Supreme Pontiff, the Vigil Office and Mass of the Dead shall be sung solemnly with a Responsory; every priest shall celebrate three Masses for his soul; clerics, even if they have attended choir, shall recite the same Office privately; those who do not know their letters shall say two Crowns of the Blessed Virgin. These same suffrages shall also be offered for the Most Eminent and Reverend Protector, for the Prior General, the Procurator of the Order, the Prior Provincial, and the Conventual Prior.

Priests who are legitimately impeded and cannot celebrate three Masses for the soul of

the deceased may recite the Office of the Dead with nine lessons — as Pope Urban VIII conceded by document dated at Rome, 5 November 1633. The sacristan shall keep a special book in which all suffrages are recorded, and whoever sings the Mass shall subscribe his name therein.

Anniversary Masses for our own brothers shall be held on one day each month. Anniversary Masses for our parents shall be held on the fourteenth day of January. Anniversary Masses for benefactors of our Order shall be held on the seventeenth day of September. The manner of celebrating anniversaries shall be as follows: the Conventual Mass shall be sung with a Responsory for the Dead; each priest shall celebrate a Mass for the Dead; clerics shall recite the entire Office of the Dead; those who cannot read shall devoutly say the Crown of the Blessed Virgin once, commending the souls of the deceased to God. So that these anniversaries may not be omitted through any negligence or forgetfulness, they shall be written in the tablet on which the other obligations of the convent for Masses and anniversaries are recorded; and that tablet shall be hung in a conspicuous place in the sacristy.

CHAPTER IV — On Ceremonies

When the Brothers enter the church to celebrate the Divine Offices, they shall first assemble in the Chapter house or sacristy, and from there proceed in an orderly manner, walking two by two. Upon entering the church they shall sprinkle themselves with holy water. When they come before the altar, they shall bow deeply — and if the Most Holy Sacrament of the Eucharist is present, they shall genuflect. Then each shall proceed to his place. When the sign is given by the Superior, they shall bow deeply or genuflect as the occasion requires, and say the Our Father, the Hail Mary, and — at Matins and Prime — also the Creed. When the sign is given again by the Superior, they shall rise. Then the week-server shall begin the Office, with all turned toward the altar. When the versicle *Deus in adjutorium* is said, they shall sign themselves with the Sign of the Cross.

Each choir shall bow deeply toward the other whenever the *Gloria Patri* is said, and at the last verse of hymns, the second-to-last verse of the canticle of the Three Young Men, and the verse *Sit nomen Domini benedictum*. And whenever the venerable Name of our Lord Jesus Christ is mentioned, and that of the Blessed Virgin Mary Ever-Virgin, and of the saint whose feast is being celebrated.

At Mass likewise, all shall bow at the beginning of the canticle of the Angels, *Gloria in excelsis Deo*, and when the verses *Adoramus te*, *Gratias agimus tibi*, and *Suscipe deprecationem nostram* are said; and during the first Collect and the Collect of the Blessed Virgin, both before the Epistle and after Communion; and at the Preface when *Gratias agamus* is said. Also at each Hour when the prayer of the day or of the Blessed Virgin is said; at Prime likewise when *Sancta Maria* and *Omnes Sancti* are said. The Lector or Cantor shall bow deeply whenever he begins a Psalm or Antiphon, and after saying *Jube Domne benedicere*.

When the Preces are said at Prime and Compline, and likewise when the Our Father, Hail Mary, and Creed are said; and at the end of each Hour, all shall bow. They shall kneel on the ferial days of fasting when the Our Father, Hail Mary, or Creed is said at the beginning of the Hours, and during the Preces up to the prayer which the week-server says standing, while all others remain kneeling. When the Salve Regina is recited, they shall kneel; but when it is sung, they shall kneel only through the second *Salve*. At Masses on fasting ferial days and at Masses for the Dead, all shall kneel during the Collects before the Epistle and after Communion. Likewise every day when the Offertory is read, and from *Orate Fratres* through the Preface; and while the Most Holy Body and Blood of our Lord Jesus Christ is elevated, through the Our Father — which, while being sung, all shall stand turned toward the altar, except at ferial Masses and Masses for the Dead. When the Our Father is finished, they shall again kneel through the Agnus Dei. At private Masses those present shall always kneel except while the Gospel is being read.

Genuflection is also made when the following versicles are said: *Ave Maris Stella; Veni*

Creator Spiritus; O Crux ave spes unica; O Salutaris Hostia; Tantum ergo Sacramentum; Quos pretioso sanguine redemisti; Et Homo factus est; Adjuva nos Deus salutaris noster; Veni Sancte Spiritus; Salve Sancta Parens; Et Verbum caro factum est; Et procidentes adoraverunt eum; Et procidens adoravit eum; Et inclinato capite tradidit spiritum; and at the end of Mass when the priest gives his blessing to those present.

Genuflection is also made when the Brothers, assembling in the Chapter, implore God's mercy with the psalm *Deus misereatur nostri*; when they confess their faults or ask pardon for injuries mutually inflicted; when they leave the monastery or return to it, kneeling to ask the blessing; and when they enter the Refectory after the blessing has been given, or leave before the thanksgiving — they shall kneel in the middle of the room and not rise until the sign is given by the Superior. The same is to be observed when they enter the choir after the Divine Office has already begun, and likewise when they commit a fault in choir, Refectory, or Chapter by making an error in reading, singing, or any other action.

Novices, lay brothers, and all those not yet promoted to the priesthood shall kneel whenever they rise from table, and whenever any duty is assigned to them by the Superior. And whoever is about to give a reading shall kneel before the Superior and say *Jube Domne benedicere*.

While the Psalms are being sung, one choir stands and the other sits; but all must stand when *Venite exultemus Domino*, the *Te Deum laudamus*, *Laudate Dominum de Caelis*, and *Quicumque vult salvus esse* are said; likewise during Hymns and Canticles; and during the *Benedictus*, *Magnificat*, and *Nunc dimittis*. The Little Office of the Blessed Virgin shall be recited entirely standing. At Mass, the prescribed bows and genuflections being observed, all shall stand turned toward the altar, except while the Prophecy or Epistle is being sung or read, and while the Gradual or Tract is being sung.

Outside the houses of our Order, each Brother shall conform in all things to the ceremonies of those among whom he finds himself, lest he appear to hold them in

contempt. In the Divine Offices, however, he shall observe the Roman order and the Institutions of the Order.

CHAPTER V — On Confession and Communion

So that the enemy of the human race may find nothing of his own among the Brothers of our Order, clerics not yet promoted to the priesthood, lay brothers, and all familiars shall confess their sins once a week, and shall receive the Eucharist on the following occasions: the first Sunday of each month; the first Sunday of Advent; Christmas Day and Epiphany; all feasts of the Blessed Virgin; the first Sunday of Lent; Holy Thursday, Easter, and the Ascension; Pentecost and the Most Holy Body of Christ; the feast of the holy Apostles Peter and Paul; All Saints' Day; and the feast of our holy Father Philip. Deacons and subdeacons should know that it is especially fitting for them to receive holy Communion at least on Sundays and solemn days when they have served at the altar. Priests, who are to celebrate more frequently, must keep in mind the warning of Saint Paul: *Whoever eats and drinks unworthily eats and drinks judgment upon himself, not discerning the Body of the Lord.* They are to be admonished by the Prior to purify their conscience frequently through the Sacrament of Confession — which every priest is bound to do at least on every feast day; and whoever is found to have omitted Confession on solemn days shall be severely punished as guilty of a serious sin.

So that each may more conveniently purify his soul, the Prior shall in every house appoint priests to hear the confessions of the Brothers. These shall be from among those approved by the General, and Brothers shall confess their sins to those only and to no others; otherwise the confession is null. Exceptions are Preachers outside the houses of the Order, travelers, and any others who do not have access to Confessors of our Order; for these it is permitted to confess to other priests approved by the local diocesan Ordinary — from Religious if such are available, otherwise from Secular priests — and

they may be absolved by these from all sins except those reserved to the Supreme Pontiff, the Prior General, the Provincial, and the Conventual Prior.

The cases reserved to the Prior General are the following: a crime incurring irregularity; homicide; the giving of poison; the mutilation of limbs; the violation of a nun; the most abominable sin committed; apostasy from the Order; the revelation of a Confession; false witness; the eating of forbidden foods during Lent and on Vigils without lawful permission; and the theft of sacred or ecclesiastical goods.

Reserved to the General or the Provincial: habitual and customary blasphemy; incest; concubinage; frequenting the monasteries of nuns; perjury; the possession of immovable goods; usury; celebrating Mass without the required fast; the wounding of a cleric; and the revelation of the secrets of the Order.

Reserved to the General, Provincial, or Conventual Prior: the striking or violent laying of hands on a cleric or lay brother; the theft of profane property; the use of false keys to the monastery, church, or any public place of the convent; omissions of what is necessary in the celebration of Mass; gambling with dice or tiles; the attempted commission of the most abominable sin; and leaving the monastery without the religious habit.

These reservations notwithstanding, the Prior General, Provincial, and Conventual Prior are not thereby prevented from reserving other cases to themselves as they shall see fit, in accordance with the Decree of Clement VIII issued at Rome on the twenty-sixth day of May 1593 — namely: sorcery, incantations, and divination; apostasy from the Order whether with or without the habit laid aside, when it has progressed so far that…

CHAPTER VI

On the Reception of Candidates into the Order

So that unworthy persons may not be offered in the service of God, the following shall not be received into our Order: those of illegitimate birth; the deformed or monstrous, or those otherwise bodily defective; married men; bigamists; slaves; the infamous; those bound by debt; those suffering from an incurable illness; the excommunicated; the irregular; those burdened with other serious penalties; those who have professed in an Order of equal or less strict observance; murderers; those fleeing or in exile on account of their crimes or debts.

Those over sixteen years of age shall not be received except in a General or Provincial Chapter, in accordance with the Constitution of Pope Sixtus V of happy memory; those who have not yet reached eighteen, however, may be received even during a Visitation by Indult of our Most Holy Lord Urban VIII. Those who have exceeded sixteen may be placed in the second novitiate (if that shall seem expedient) even if they have not yet made profession; they must nevertheless make profession when the year of probation is completed.* Regarding all of the above, diligent inquiry shall be made by the Prior and Fathers. If anyone is convicted of lying about any of the said impediments, he shall be expelled from the Order even if he has already been received, provided he has not yet made express profession; and the Prior who knowingly put forward such a person shall be deprived of his office. If the Prior put forward one who had professed in another Order, he is by that very fact declared deprived and disqualified from any office.

Before anyone is received into the Order, he shall remain clothed in secular dress during probation for a month, or for a shorter period at the General's discretion, in the convent for which he is received if it is collegiate, otherwise in the one where the Novitiate is, in accordance with the Decree of Clement VIII. Superiors shall diligently inquire with what

spirit, mind, and will the candidate has chosen this manner of religious life; what end he has proposed for himself; whether he is led by zeal for a better and more perfect life and to serve God and our Lord more freely, or rather by frivolity, some human affection, or disordered impulse; and whether his parents, who may depend on his support, would be left destitute. When this probation has been made, the Prior or another Father shall set before him the austerities of the Order, the renunciation of one's own will, the plainness of food, the night vigils, and the like. And if he perseveres in his intention to enter the Order, he shall be put to the Fathers in three separate Chapter meetings, and what the majority determines in the third meeting by secret ballot shall stand as the decision. One who has been rejected by one monastery shall never be received by another, and if he has been received he shall be expelled. Nor may two natural brothers be received in the same convent for any reason. When the candidate has not been born in the place where he is to be received, the consent of the Chapter of the place where he was born shall be required, provided our Order has a monastery there.

In a convent where there are not six voters, no layman or future cleric shall be received except during a Visitation in the presence of the General or Provincial. Outside a Visitation, reception shall take place at the nearest convent with sufficient voters, or at the convent in which the novice is to be educated, with the written consent of the convent for which he is received as a son transmitted there; and the same manner shall be observed for profession. Those to be received as clerics, if under sixteen, shall compose themes in Latin fluently through the minor grammar rules up to and including impersonals; others through all the major rules, so that they can explain Latin authors — of which competence the test shall be made by the General or another at his command. After the probation they shall make a general Confession and receive Communion if they are capable, and fulfil all else set out in the Institute of the same Pontiff, except for the inquiry into their background formerly referred to the local Ordinary, for which Urban VIII dispensed in his Decrees on Apostates and Expelled Persons.

Something shall be paid for the upkeep of novices according to local custom. One who

has left before his novitiate is complete and returns within a month may be received by the Conventual Chapter; if he returns after more than a month, he may be received by the Provincial Definitory or by the Visitors during a Visitation, with the subsequent consent of the Conventual Chapter by a single ballot on his case; he shall however make a new probation for a year as if he had never been received, and on all these matters not even the General himself may dispense.

When the novice has remained in the Novitiate for a month without the habit, he shall be clothed by the Prior in the presence of the Fathers — without the blessing of the habit, and with a change of name — and shall be entrusted to the Master of Novices for his formation. Nothing whatsoever, however, may be received by the monastery from his parents, relatives, or guardians before his profession — not even for his food and clothing during probation — under pain of anathema, in accordance with the Decree of the Council of Trent.

CHAPTER VII – On Novices

Since the age of youth — unless it be rightly formed — is prone to evil and to the pursuit of pleasures, and unless it be instructed in piety and religion from its tender years before the habits of vice have taken full possession of a man, it will never persevere perfectly and without the most extraordinary and singular help of Almighty God in regular discipline: let a Master be placed over the novices who is himself of unblemished life, of mature age, and above all a zealot for the religious life. He shall teach them first of all the fear of the Lord, Christian Doctrine, and the Roman Catechism, and how to confess purely, frequently, and with discretion. He shall also instruct them in the observance of the Rule and Constitutions, in ceremonies and the Office, and finally in good conduct and other regular observances.

In church and wherever they conduct themselves carelessly, he shall strive to correct them by words and signs as much as he is able. He shall teach them to have humility of heart and deed, according to the word: *Learn from me, for I am meek and humble of heart*; to live without property of their own; to forsake their own will; to observe voluntary obedience to Superiors in all things. He shall instruct them in how to conduct themselves everywhere and in all things: how to bow to elders and to keep to their assigned place; what to pray; how to keep their eyes down and not hold them up boldly; not to argue with anyone; to bear injuries patiently; not to speak in forbidden places and times; and in processions to attend to the brother beside them.

The novices shall have a place — with dormitory and chapter house — entirely separate from the common dormitory,* and they shall not meet with the other brothers except in the church and refectory; nor shall any of them have a relationship of particular friendship with any brother, even one who is a Master or senior, however much he may be a Prior or Provincial, so as to be called his pupil or disciple. They shall live only among themselves and only with their Master, and shall not speak with anyone except in the Master's presence. Provision must be made for them not only regarding teachers of conduct, but also regarding teachers of letters and music; therefore, for this purpose, men of good repute and blameless life skilled in these arts shall be engaged according to the convenience of the place and the needs of the novices.

Lest novices be admitted everywhere throughout the houses of the Order, and lest convents be burdened with public business, in each Province one or more Novitiates shall be established in the more important convents only, to which all novices of that Province shall be sent; provision shall be made for them by those who sent them according to what the Provincial has decreed. They shall not be sent to distant regions except for a necessary cause; they shall not be promoted to any Order before their express profession;* they shall be subject in particular to their own Master, who alone shall administer penalties to erring novices — but always within the Novitiate, never outside it even if the cause appears urgent — under pain of the loss of both active and passive voice

for one year, incurred by the very fact. Novices shall in no way be admitted to profession in the convent where they made their novitiate unless the consent of the Conventual Chapter, for which the novices were received, is present. Clerics, if it can be arranged, shall not be assigned to serve at Masses. And so that they may become accustomed above all to prayer and devotion, each day after Compline they shall prostrate themselves before the Most Holy Sacrament and say *O sacrum convivium* with its versicle and prayer. Having completed this, they shall proceed to the altar of the Blessed Virgin and say her Crown for the happy state of the Holy Roman Church, for our Most Holy Lord the Pope, for benefactors, and for the growth of the Order.

CHAPTER VIII — On the Manner of Profession

When the time of profession arrives — which shall not be before the completion of a full year of probation and the passing of the sixteenth year of age — the Prior shall direct the novice to confess sacramentally and to receive the Most Holy Sacrament of the Eucharist. He shall then summon him to the Chapter, explain to him that his time of probation is complete, and ask him whether he wishes to make profession in the Order or to depart. He shall lay before him all the hardships of the Order and of the world, and likewise all the advantages of each. He shall then dismiss him for some days in the hands of his own counsel, and permit him to return to his family so as to test by every means whether he has been called to the Order by God. If he wishes to return to the world, this shall be freely granted to him without any difficulty. But if he has freely and spontaneously resolved to renounce the world and dedicate himself to our Order, he shall be proposed to the whole Chapter of the convent of which he is a son; prior testimony shall be given under oath by the Master of Novices regarding his conduct and qualities — in the hands of the Prior of the convent where the novice resided — such that if he is found to have spoken falsely he shall be severely punished as a perjurer; and similarly by the Prior and Discreet Fathers of that same convent where the novice was formed.

Before being proposed to the Chapter, however, the Prior who received the novice is bound to inquire whether any impediment exists on account of which he should not be admitted to profession, and to give notice of it at once; no further proceeding shall take place until the Provincial or General has judged whether such impediment is legitimate or not. If he has been admitted by the majority of the Chapter by secret ballot, he shall be received for profession. Whoever is not admitted by the Chapter, or who himself does not wish to profess, shall return to his family at once with the habit laid aside; and all that was his shall be restored to him before he departs before profession; nor may he thereafter be received in the same or any other convent. If through the negligence of the Prior a novice remains in the Order after the due year of probation, he shall not for that reason be considered professed until he has made express profession; and the Prior himself shall be punished for such negligence.

And so that order may be maintained and confusion avoided, novices received in any convent shall in no way be admitted to profession in another unless the Chapters of the convents in which they were received for probation have consented.* A special book shall be kept in which the profession of each novice is registered with the assigned year, month, day, and hour; the professed novice and two witnesses who were present shall subscribe with their own hand; and a lay brother who is illiterate shall, in the presence of those same witnesses who subscribed, make the Sign of the Cross with his own hand; and this book shall be preserved and kept in the Archive where writings pertaining to the monastery or convent are customarily deposited, in accordance with the Decree of Clement VIII.

[At this point the Constitutions incorporate the full text of the Decree of Pope Clement VIII (Rome, 20 June 1599) concerning the establishment of approved Novitiates, strictly prohibiting reception or profession of novices except in convents designated by the Holy See for this purpose, with severe penalties for Superiors who violate this — loss of all offices held, active and passive voice, and perpetual disqualification from future offices; and declaring all such unauthorized receptions and professions null and void.]

After the novices have made their profession they shall be transferred to the Professed House — also called the second novitiate — which is in the same convent as the Novitiate if possible, otherwise in one where regular observance flourishes; it shall be furnished with the same things as the Novitiate insofar as possible. The recently professed shall remain there under the discipline of a Master possessing the same qualities as the Master of Novices until they have completed their nineteenth year; they may not converse with the other brothers, shall be involved in no business of the convent, but shall serve only in choir, in the refectory, and at Masses when needed, shall pursue the study of grammar, and shall be provided with a teacher of the sciences as the opportunity offers. Lest monasteries be burdened with the expenses of the Professed House, provisions may be established by the Definitory at the Provincial Chapter or by the Visitors during a Visitation. Superiors may for a reasonable cause keep young professed members in the Novitiate under the obedience of the Master of Novices, who shall however allow these young men — as local necessity requires — to serve at the altar or in choir, always with fitting modesty.*

The manner of making profession shall be as follows. The novice shall be summoned before the Fathers, a Notary, and witnesses, and the Prior shall strip him of his habit and scapular, saying: *Most dear son, you are now stripped of the habit of the holy Order; you may depart, choose what you will.* The novice shall respond: *I have chosen to be an outcast in the house of my God rather than to dwell in the tents of sinners.* The Prior shall continue: *Blessed are you by the Lord, for you have chosen the better part, which shall not be taken from you.* Then all the brothers shall invoke the aid of the Holy Spirit with the hymn *Veni Creator Spiritus*. Afterward the vestments shall be blessed by the Superior, with the prayer *Omnipotens sempiterne Deus, qui morte unigeniti Filii tui*. The vestments having been blessed, the novice shall be clothed with the tunic by the Prior, who says: *Receive, most dear brother, the full-length tunic as a sign of gravity and modesty.* He shall then be girded, with the words: *Receive the girdle of the loins as a sign of chastity and obedience; for until now you walked where you would, but now, being girded,*

another will lead you where you would not. The Prior shall then place upon him the habit and scapular, saying: *Receive the habit of purity and the covering of the head as a sign of humility, so that being thus clothed you may observe what is commanded by the Regular Institutions and the precepts of Superiors.*

The novice being clothed, having first made the profession of faith according to the Bull of Pope Pius IV, shall make profession in the Order with these words: *I, Brother N., son of N., called N. in the world, who have worn the habit of novices in the Order of the Friars Servants of the Blessed Virgin Mary for a complete year, now of age N., without compulsion, fear, or any error, but spontaneously, freely, and with certain knowledge, make Profession and promise to Almighty God, to the Blessed Virgin Mary, and to you, Reverend Father Prior General, or Provincial, or Conventual, in the name and in place of the Prior General of the Friars Servants of the Blessed Virgin Mary, and to your successors, to observe Obedience, Chastity, and to live without property, according to the Rule of Blessed Augustine, the Constitutions of the Servants, and the Decrees of the sacred General Council of Trent, for the whole time of my life. So help me God.*

Afterward for thanksgiving the Superior shall say: *Show us, O Lord, thy mercy* — Response: *And grant us thy salvation — The Lord be with you* — Response: *And with thy spirit — Let us pray. O God, who dost the hearts of the faithful...* and the other prayers. A public instrument of this profession shall be drawn up by a public Notary; and if the professed has any immovable property acquired by hereditary right or in any other way, it shall by the same Notary be incorporated into the goods of the monastery of which he is a son, and neither the professed nor anyone else may dispose of it except as the other goods of the monastery are disposed of. However, provision shall be made for his necessities by the Conventual Prior without any excuse; and if the Prior is negligent, the Provincial shall provide ex officio. The name of the professed, of the one in whose hands he professed, the day of the profession, the month, and the year of his age shall be written in the Book of Acts of the Convent, so that the time of promotion to Holy Orders may be more certainly known and Superiors may not be deceived by anyone. Once profession has been

made, the professed shall not be left to the management of his own will, nor shall he have a particular relationship with anyone — even an elder, though he be a Provincial or Prior — as servant, pupil, or disciple; he shall be entirely subject to the care of the Master of the young professed.

CHAPTER IX — On the Adoption of Sons

No professed member of any monastery shall henceforth be dismissed from his convent,* nor adopted as a son of another convent, unless the dismissal from the convent of filiation and the reception into the convent of adoption has first been made in writing by the sons of both convents — both present and absent — who have a voice in the Conventual Chapter, by two-thirds (this two-thirds requirement understood for this case alone, regarding the assent of two parts out of three). Then the matter shall be proposed to the whole Chapter of both convents, to be approved in the customary manner by votes above a simple majority.* If someone is to be adopted from one Province into another, the consent of both Provincial Chapters shall also be present — but in this order: that he is first dismissed from his convent, then from his Province; conversely, the one to be received by adoption into the other Province shall first be proposed to the Province, then to the convent into which he is to be adopted; and the adoption insofar as it concerns the Province shall be made only by secret ballot, not in writing. If anyone wishes to be adopted as a son of a convent that has only one voter, no adoption may take place without that member's consent, not even by the Superiors, not even by the General himself; if no son is present, the adoption shall take place during a Visitation or in the Provincial Definitory, with the other conditions observed regarding the convent of filiation. If anyone, after a first adoption, wishes to be adopted into another convent, this may take place without prejudice to the first adoption, such that the other convent acquires no right or claim over his goods or rights. Such adoptions shall have no force until they have been confirmed by the General,* not only regarding the adoptions themselves, but also

regarding the equal division of goods — namely immovable goods, books, money, and other precious movables. All things acquired or devolving to a person in any way from the day of the adoption approved by the General shall belong to the convent of adoption without any partition. After confirmation, each person shall be understood to be a son of that Province or convent into which he has been adopted, and shall enjoy all its rights and privileges as if he had made his profession there; nor may he thereafter return to the Province or convent in which he had made profession, nor have any right in them as a son. However, goods accruing to the convent on account of the person shall be divided equally between the convent of profession and the convent of adoption, excepting those acquired from the day of adoption.

CHAPTER X

On Lay Brothers

Since those who are dedicated to the divine worship should not be compelled to occupy themselves with menial tasks, the Order needs brothers received for service, who are called Lay Brothers (Conversi); and these shall not be received unless they have completed their twentieth year, nor admitted to profession unless they have completed their twenty-fifth year and have remained in the habit of those admitted (Commissi) for a full two years, and are of good and proven life. In their reception, formation, and profession nearly everything established for novices shall be observed, in accordance with the Decree of Clement VIII — in particular, that they shall not make profession unless they have done their probation in the convent where the Novitiate is, from which they shall not be removed during that time, nor assigned to the private service of any individual. They shall be entirely subject to the discipline of the Master of Novices. And so that the Order may not be thrown into confusion, one who was received, or shall be received, as a layman shall never be capable of being promoted to Holy Orders; and if anyone hereafter causes himself to be promoted, he shall be ipso jure suspended. Lay

brothers may not cast votes in the creation of officials or for any other reason whatsoever. Although they lack active voice, they may however be chosen for the performance of certain offices as the Chapter or Prior shall see expedient. In public places and functions they shall hold their place after the professed and shall precede novices. They shall not wear the clerical crown, but shall be shaved below the ears at the back of the head.

CHAPTER XI

On Promotion to Holy Orders

The greatest diligence must be applied in promoting to Holy Orders, both Major and Minor, so that only those may be admitted who have made express profession, have received the Sacrament of Confirmation, are of legitimate age, endowed with good morals, sufficient learning, and the other qualities required by the sacred Canons, and are rightly instructed in the ecclesiastical chant called plainchant. Superiors shall take care to grant permission to no brother to be promoted to any Holy Order — Major or Minor — unless he is of legitimate age and endowed with the learning required for them, and possesses all that is required by the sacred Canons and Regular Institutions. One promoted otherwise shall be suspended from the exercise of his Orders; and the one who granted the permission shall be deposed from his office and disqualified from all offices for six years.

The age prescribed by the sacred Council of Trent is: to be promoted to the Subdiaconate, one must have completed the twenty-second year; to the Diaconate, the twenty-third; to the Priesthood, the twenty-fifth. The testimony of uprightness and sufficiency under oath shall be given by the Prior and the more worthy and senior Fathers of the convent in which the candidate has resided for the greater part of that year and where he also currently resides as a member of the household. Regarding learning, the Provincial and at least one of the Fathers appointed as Examiners in the Chapter shall examine him; but

they shall not approve anyone for Major Orders who has not explained correctly the Council of Trent, or the Catechism, or at least the Roman Missal — which books shall be offered to the candidates unexpectedly (the conscience of the Examiners being placed under obligation). The testimony of such examination shall be sent to the General, who alone, if it seems good to him, shall grant dismissorial letters to those so approved for the reception of Major Orders. For Minor Orders, the Prior Provincial may grant them; without such letters in writing, no one shall dare receive a Major Order without the General's permission, nor a Minor without the Provincial's, nor from any bishop other than his own or the diocesan — except when the latter is absent, or has no ordinations, or the episcopal see is vacant, in which case he may approach another nearer bishop, provided he is examined by the ordaining bishop regarding doctrine, and provided the Religious did not deliberately delay the granting of the dimissorials to a time when the diocesan bishop would be away or have no ordinations.

When dimissorials are given by Regular Superiors with the diocesan bishop absent or without ordinations, they are bound to express in the letters the reason for the diocesan bishop's absence or for his not having ordinations. If the Religious to be ordained reside in a monastery belonging to no diocese, the dimissorials shall be granted to the nearest bishop, with the same provisions that are prescribed above for the diocesan bishop.

All shall know that by the Constitution of Pope Pius II those ordained before age, outside the appointed times, or without dimissorial letters are ipso jure suspended from the exercise of their Orders; and that if they minister while suspended, they incur irregularity also. And so that promotion by leaping over Orders may be avoided, one who has received an Order shall carry with him the testimonial letters of the bishop, which he shall show to the Prior as soon as he returns to the convent; otherwise the Prior shall not dare admit him to the exercise of that Order. And dimissorials shall be given to no one for a further Order unless he has administered the received Order for a year — except if the General judges otherwise for the convenience and utility of the Church. Nor shall dimissorials be given for any Order to one who has not already actually received the

inferior Order.* The Prior Provincial who sends a false attestation regarding the conduct and sufficiency of one to be ordained to the General shall be punished in accordance with the disposition of the Council. And if the Prior General for whatever reason, even on account of a hidden crime, has forbidden someone to ascend to Holy Orders, or has suspended him from Orders, that person shall not dare seek permission elsewhere to be promoted or to be restored to the exercise of his received Orders, in accordance with the Decree of the Council: no permission granted against the will of the Superior for one to be promoted, nor any restoration to former Orders, degrees, dignities, or honors shall avail him.* The Prior shall not admit anyone to the exercise of a received Order unless he himself or another deputed by him has first approved the candidate in the ceremonies of the Church.

CHAPTER XII

On Confessors

The same diligence must be applied in designating Confessors for seculars: none shall be admitted to hear the confessions of seculars (even of priests) unless they are distinguished by notable modesty and probity, well versed in cases of conscience, and — regarding women — of more advanced age.* Since Superiors must take the greatest care that in each convent the brothers are exercised with the highest study and diligence in cases of conscience and everything pertaining to hearing confessions — given the gravity and necessity of the matter — in every convent a reading of cases of conscience shall be held three times a week, or at least twice, by the Master or another suitable person appointed for this purpose at the Provincial Chapter, at which all (excepting Theologians) are bound and must be present. When this reading is finished, they shall usefully exercise themselves in mutual discussion of the doctrine explained; and for this purpose the Lector shall always propose certain cases to be discussed at the following lecture. The penalty established for the lecture extends to the discussion — that is, it applies to one who has

missed both. However, it shall be permitted to interrupt the reading of cases during Lent if the Lector has preached; and Superiors may dispense in July and August if the heat is excessive, provided however that at least sixty case-readings are held per year.* And if in Visitations the Prior General or Provincial finds that this reading has been omitted for a month without cause, they shall declare the Lector disqualified from all offices for three years. One who has been absent from the said reading for a week shall lack active and passive voice for a year; and the Prior who permitted it shall be punished in the Visitation.

The Prior General in Visitations shall admit those whom he himself, or the Provincial together with at least one Examiner if present, knows to be suitable — for three years only and no more, until they are examined again, excepting Masters, to whom the license may be granted absolutely. Fathers who have exceeded fifty years of age may be exempted from a new examination if they have otherwise been found suitable. Nevertheless — though admitted by the General — they shall not hear confessions unless they have also been approved by the local Ordinary; and if anyone presumes to hear confessions without the General's license or the Ordinary's approval, beyond permanent deprivation from hearing confessions, he shall be imprisoned for a month.

CHAPTER XIII

On Students

Experience, that great teacher, has established that nothing sustains and increases the religious state more, after good morals, than the study of sacred letters; and whenever this has been interrupted in a religious order, good morals and the whole state of the Order have collapsed. Therefore, so that the study of letters may not be neglected, in each Province there shall be at least one convent in which a major study of theology and the arts flourishes; and in it the Prior General shall assign at the General Chapter a Regent, a

Bachelor of the Convent, and a Master of Studies, together with students who shall not be removed from that convent for at least three years except for an urgent and reasonable cause. No one shall be assigned as Regent unless he is a Master in Theology, has never been condemned or suspected of heresy, is of good reputation, and by his own example admonishes students in good morals and the regular life, and is recognized from public examinations as capable of teaching others; and he shall not be Prior, unless perhaps substituted in the case of a vacancy.

The Bachelor of the Convent shall be a formed Bachelor who has heard theology for three years and is suited to lecture on natural philosophy and to sustain the role of respondent in disputations among the students. The Master of Studies shall have heard philosophy for three years and be suited to lecture on dialectic and to defend the position of the arguer in disputations.

The duty of the Regent shall be: first to teach his students the fear of the Lord, which is the beginning of wisdom; to exhort them to divine worship and to obedience to the Prior; and to lecture to them daily in theology — which speculative theology lecture shall be held from approved Doctors chosen at the General's discretion in the General Chapter, so that the whole Summa of Saint Thomas, or of Henry of Ghent of our Order (where the occasion presents itself), shall be covered in three years, briefly expediting those matters requiring less speculation. The Bachelor of the Convent shall hold the lecture in philosophy, so that in the first year he shall interpret the Books of Physics; in the second, the Books on Heaven and Earth and on Generation; in the third, the Books on the Soul. The Master of Studies in the same period of time shall complete all of Aristotle's Logic: in the first year, the Porphyry, the Categories, and the *Peri Hermeneias*; in the second and third years, the *Posterior Analytics* and the *Sophistical Refutations*. In the second three-year period — if Lecturers and students are assigned to the same convent by the General — lectures shall be held at the General's direction, who having examined the need shall determine what shall seem most expedient. All Lecturers are bound to hold at least one hundred and twenty lectures of one hour's duration each year, and as many

disputations — which we call circles. All such lectures shall be read in the Chapter house or at least in another public place. The Regent, Bachelor of the Convent, and Master of Studies — or any others teaching there in any capacity — shall, as soon as they have been appointed by the General, make the Profession of the Catholic Faith in accordance with the Constitution of Pope Pius IV.

No one shall be enrolled in the number of students who has not been constituted in Holy Orders, who is capable of attending the lecture on Logic, and who is of good character and repute* — of which the Prior and the Discreet Fathers, or those standing in place of the Discreets of his convent in which he has resided for at least a year, shall make attestation under oath. The review of the testimonial attestation shall take place either in the Visitation by the General or his Vicar and the Provincial together with the Companion of the Province in which the candidate resides, or at the Provincial Chapter by the same together with the Definitors. If the General or his Vicar clearly discovers that the attestation contains any falsehood, he shall punish the witnesses as perjurers and strike the name from the roll of students, tear up the patent letters, and grant no further ones. The same shall be observed, all else being equal, for those to be promoted to Holy Orders and to degrees; and the witnesses shall know that beyond the penalties inflicted on them, their own conscience remains burdened.

The test of suitability and knowledge for enrollment in the number of students shall take place in the Visitations or at the Provincial Chapter (as aforesaid) before the same Fathers (excepting the Companion, if he is not a Master, and likewise Definitors who are not Masters) in this manner: two authors of greater difficulty shall be given to the young man to be tested, whom he shall render without preparation into other Latin words, and shall open the sense both in the Italian and in the Latin idiom, so that it shall be clear he is capable of understanding any Latin author and of attending the lecture on Logic. Nor shall anyone henceforth be considered a student who has not obtained patent letters stating that such an examination has been made. A student thus admitted shall be involved in no business of the convent; and he shall receive a subsidy from the convent of

which he is a son according to local custom, but only up to the grade of Bachelorhood — afterward none shall be given to him on any account.

The Regent and all Bachelors (and still less the inferior students) may not preach except during Lent, or perhaps within the year where they reside due to the lack of another Preacher, but only provided that the required lectures are not interrupted. Nor shall anyone enjoy the name or privileges of students who has not remained in the convent where the Regents or Lecturers of our Order are, lest they be compelled to seek lectures outside the Order. Nor shall Bachelors who have remained outside the places of study of our Order enjoy the privileges of Bachelors or be able to be assumed to the Mastership, unless perhaps the Prior General has sent them to preach in some church. In smaller houses of study one Regent or Lector shall suffice, and he may be a Bachelor; and from these smaller houses of study shall those be taken who are to be sent to the major studies — nor shall anyone be admitted to hear theology who has not completed the entire course of philosophy, with the testimony of the Lector confirmed by oath. A library shall be established in every convent where there is a study; and likewise in every collegiate convent a library shall be established from the books of deceased brothers, so that junior professed or novices, if any are capable of hearing dialectic, may not be compelled to attend the public lectures and thus be absent from such study. The Prior General shall establish a Lector for this purpose suited to the place and persons, entirely separate and independent from the Regent or any other Lector, so that even if the young men publicly defend conclusions, their own Lector — and no other — shall assist them; the Regent however (if such Lector is not a Master), or the Prior Provincial, or even the Conventual Prior, provided he is suitable, may add, declare, or also decide something if necessity, or sometimes the agreement of those present, or the reputation of those who argue, should require it. And so that the order of the convent may not be destroyed on account of study, both in major and minor houses of study the students shall be subject to the Prior in all things except those pertaining to their literary work, in which they shall be subject only to the Regent.

CHAPTER XIV

On Promotion to Academic Degrees

No one shall be promoted to the degree of Bachelor unless he has completed his twenty-seventh year, has remained under the discipline of the Regent for a full six years, has once in a public disputation well sustained the role of respondent — either in the place where he pursues his studies, or at the General or Provincial Chapter. Attestation of that disputation (whatever its outcome) — whether before or after the promotion — shall be given under oath by the presiding officer himself and by others who were present, if they are Masters. Testimony concerning the life and conduct of the candidate shall be gathered summarily under oath by those with whom he has lived during the previous three years.

First he shall be diligently examined in the Visitation or otherwise by the Prior General or his Vicar, the Provincial, and the Companion of the Province in which the candidate resides, regarding the aforesaid qualities. And if it seems good to them (with the license of the General and not without it), he shall proceed to the Provincial Chapter of the Province of which he is a son, where he shall present himself before the General or his Vicar, the Provincial, the Companion, and the Definitors. If it has been previously determined among them that he should be rejected, he shall be rejected; if that he should be admitted, he shall be admitted to rigorous examination. In this examination he shall be diligently tested in the following manner: two points shall be assigned to him by the same Fathers — one from natural philosophy, one from sacred theology — and he shall prelect on them in the Chapter house of the monastery or in another private place, draw out conclusions, and dispute by responding to and satisfying the arguments and objections brought against him, in the presence of the aforesaid Fathers. One who has been approved by the majority of them by secret ballot (the votes of the Companion and the Definitors who are not Masters being omitted for this purpose only), having first made the

profession of orthodox faith according to the formula prescribed by the Holy Apostolic See, shall at once be created Bachelor by the General — which shall be done by him without any excuse whatsoever.*

Those shall be promoted to the degree of Mastership who have remained for six continuous years in the grade of Bachelorhood under the discipline of the Regent; who have honorably defended conclusions in public assemblies (beyond those required for Bachelorhood); who have completed their thirty-third year; and who have brought testimonial letters concerning their life, morals, and doctrine in the prescribed form. Those endowed with such conditions shall proceed with the General's license to the Provincial Chapter of their native Province, there to undergo a rigorous examination on two theological points assigned unexpectedly — if however it shall seem to the General and to the Fathers specially appointed for this purpose, as described below, that they should be admitted to the said examination. When the testing of doctrine has been carried out in the customary manner, the General or his Vicar, the Provincial, the Companion (if he is a Master), the General Definitor, the Provincial Definitors who are Masters, and the following Fathers (if they have come as voters to the same Chapter and wish to attend the said examination; if not, it shall take place without them) — namely: those who have discharged the offices of Provincial, Procurator of the Order, and Prior General, and also the Regents of the major houses of study of the same Province — shall admit or reject by secret ballot above a majority, their consciences being placed under obligation.

CHAPTER XV

On Preachers

One to whom the license to preach is to be granted shall have completed the course of theology to the point as if he were to be promoted to the grade of Bachelor, or shall have already honorably defended theological propositions in public assemblies. The test of his

suitability shall be made in this manner: a student who desires to be admitted to the duty of preaching shall deliver at least two sermons in the Refectory before the Fathers; and if in their judgment he has been judged suitable by them, he may then request the license to preach. No one shall be granted the faculty of preaching who is not an actual student, unless the General (his conscience being burdened) has come to know of his suitability for that duty from some other source. And so that churches may not be deprived of their customary Masses during Lent, the General shall take care not to grant licenses to preach — excepting Masters and Bachelors — to other Fathers however approved they may be, except upon examination of the needs of each church.

CHAPTER XVI

On Silence

Silence shall be observed both in the dormitory after the midday rest and after the evening meal — therefore, after a certain period of time has passed and the bell has given the signal, each brother shall retire to his cell so that those who wish to pray, study, or rest may not be impeded, and so that retiring to bed in good time they may be able to rise for Matins — and most especially in the sacristy and in the choir, even when the Divine Offices are not being celebrated. If anyone presumes to rise against the Prior while he is correcting someone — whether in the Refectory or elsewhere — or to argue with him or to make a disturbance, he shall publicly kneel in the Refectory before all the others and ask pardon, and shall likewise undergo public discipline. This penalty is also incurred by one who during the silence makes a disturbance with words or by throwing something, whether out of contempt or against the observance of silence. One who emits immoderate clamor in the monastery shall be corrected by the Prior while kneeling in the middle of the Refectory; and if once corrected he falls into the same fault again, public discipline shall be added. The Prior shall also punish those who utter obscene words, who quarrel mutually, or who threaten one another — with public discipline likewise added according

to the degree of the fault, especially if this occurs in the presence of seculars. The Prior shall take care that a lamp shines throughout the night in the middle of the dormitory, and that in a sufficiently visible place there be hung a tablet on which is written what is to be done at each hour.

CHAPTER XVII

On the Refectory

There shall also be a reading from the life of the saint of that day, or from some spiritual book on regular observance, or something similar, at the Prior's discretion.

CHAPTER XVIII

On Fasting

No dispensation shall be given from the fast of Friday on account of another fast of the same week, unless it immediately precedes or follows; nor from the fast of Advent, except with the consultation of the General or at least the Provincial — especially in collegiate convents, and not for the whole household. The Vigil of the Presentation of the Blessed Virgin Mary and of our holy Father Philip shall be added to the days of fasting.

CHAPTER XIX

On Clothing

Furs of great value shall not be worn. Caps shall be uniformly religious. Berets shall not be angular but rather round. Cloaks — which are to be used only when it rains and when

traveling — shall be plain. The outer religious habit when going through the town shall always be full-length and reaching to the heels; all silken ornamentation, silver, or gold — and indeed all color in any matter however small beyond what is expressed in these Constitutions — and all luxury shall be entirely eliminated. If the Prior finds habits that are irreligious, silken, or adorned with silk, he shall destroy and remove them entirely, and punish the owners with the penalty of serious fault. The Provincial in Visitations shall correct transgressors, and shall even suspend from office the Prior found negligent in executing the foregoing, according to the degree of the fault. Common underclothing shall be black or white, and at most of leather; shoes shall be white only, or of leather. Furthermore, no one — however great a Master — shall presume for any reason to wear rings of gold, silver, or any other material on his fingers, under pain of loss of both active and passive voice incurred by the very fact, and he may not be restored except by the General.

CHAPTER XX

On the Tonsure

The hair around the temples shall be uniform, and shall not project beyond what is permitted at the top of the head by necessity, under pain of loss of both active and passive voice incurred by the very fact, to be relaxed at the General's discretion. The Prior who has not corrected transgressors shall be deprived of office, no excuse for the transgression or his own negligence being accepted. Those who must be excused from the tonsure on account of illness shall present a certificate from a physician proving that that particular kind of illness truly prevents the tonsure.

CHAPTER XXI

On Enclosure and Cells

So that access to leave and enter the enclosure of the monastery may not be open to anyone, proper enclosure shall be strictly observed, such that no secular person shall be admitted in the morning until the third hour of the day, nor from after the midday meal until the hour of Vespers, nor from the hour of supper onward. Schools for secular boys shall under no circumstances be held in the convents, nor shall secular boys be admitted with novices to lectures; excessive familiarity with seculars shall be avoided, especially with persons of lesser dignity; and to the honest recreations which sometimes take place in the manner of religious men, seculars — even if they be clerics — shall not be introduced or admitted (excepting persons of distinguished rank and nobility) to hear lectures in the brothers' cells; but if lectures happen to be given, they shall be given in some public place. Nor shall those fleeing secular justice be received in the monastery under any invented pretext, still less outlaws, criminals, or bankrupts, in accordance with the Decree of Clement VIII.

No comedies or vain theatrical performances shall be enacted, nor shall brothers for that purpose cause secular clothing to be lent to them, or wear what has been lent. And since the enclosure must not only keep seculars out of the monastery but also keep the religious in it, no one shall leave the house except with a companion, wearing the cape, with the head covered with the scapular, entirely without a biretta, and with the Prior's permission — not after the midday meal until None, nor after Compline. On feast days no one may go out unless for an urgent cause or public necessity, and it shall suffice for all to go out only twice a week. Those about to go out shall humbly and with bowed heads ask a blessing from their Superior. The Prior shall take care that all do not go out on the same day, nor run through the town, the marketplace, or disreputable streets, nor remain in

shops wasting time in conversation with seculars and talking of vanities. When anyone returns to the house, he shall seek the blessing of the Superior again; and the Superior shall diligently inquire of the companion — which companion is not granted at the petitioner's request but at the Superior's discretion, and shall not be granted frequently — what was done and what transpired on the journey. General licenses to go out shall not be granted to anyone at all.

Within the monastery, arms of any kind shall not be kept, nor knives exceeding the length of a palm. No one shall play at cards, dice, or counters whatsoever; nor at permitted games on feast days or days of fasting; and at other times they shall never join seculars in games, but may play among themselves only at certain hours and on certain days for bodily exercise — never, however, while the Divine Offices are being celebrated, under pain of punishment according to the degree of the fault. They shall not attend horse races, jousts, or other vain public spectacles, under the same penalties.

In the dormitory each shall have his own cell assigned to him; and the Prior General, the Provincial, or the Conventual Prior shall not — even on the pretext of privilege, special permission, or long-established custom — have separate lodgings in the cloister or elsewhere; but each shall be content with a single cell, the same as those of the other brothers, with bare walls, a humble bed, and a humble table, as befits poor religious. Therefore all less-than-religious furnishings are forbidden in the brothers' cells, and in them no images or painted pictures shall be kept except of saints or of an honest nature. The Prior under pain of deprivation of office is bound to remove everything vain and superfluous. Rooms or apartments outside the dormitory shall be converted to workshops or to common use and convenience of the convent if possible; if not, they shall be demolished, and the material and masonry shall be applied to the building of the convent if needed, or sold; and the proceeds shall go to the common use of the convent. In his cell and even outside the monastery, each shall always sleep alone, so that at the appointed times he may be free for prayer and reading. And so that the arrival of guests may not disturb the other brothers, a place with beds properly furnished and all necessities shall be

provided outside the dormitory, according to the means of the house.

CHAPTER XXII

On Travelers

When any brother of our Order is sent anywhere for whatever reason, he shall have with him testimonial letters from his Prior — without which he shall not leave the convent, even on the pretext of going to his Superiors, unless sent or summoned by them with a written mandate. Nor shall anyone dare pass from one Province to another, if they are more than ten miles apart, without the Provincial's permission. The Prior shall not receive a brother of another religious order without the permission of his Superiors, in accordance with the Constitution of Pope Sixtus V of happy memory.

In the testimonial letters (when someone is to return), a deadline for return shall be fixed; one who has not returned by that deadline shall be punished at the Superior's discretion. He shall carry a breviary; if a lay brother, a Crown. No one shall carry arms on the road, even on the pretext of self-defense. Before leaving the monastery, he shall humbly ask a blessing from his Superior; and if he is not to return the same day, he shall go before the altar or image of the Blessed Virgin and say the Itinerary kneeling, according to the form of the Roman Breviary. Likewise when he returns, he shall go again to the image of the Blessed Virgin to give thanks.

Upon arriving at any monastery, he shall immediately present himself to the Prior of that place, or to the Provincial or General if either happens to be present, to whom he shall show his letter of permission; if found without it, he shall be sent back to his own convent — unless perhaps he is of such a condition that his fleeing is not to be doubted. If a cleric presumes to travel without his breviary, or a lay brother without his Crown, he shall be imprisoned.

No one shall dare go to Rome without the permission of the General or the Protector if present, under pain of loss of both active and passive voice for three years — which only the Pope can remit. The Prior Provincial, however, may grant such permission only for a cause common to the whole Province. One who presumes to go to Rome without it shall, beyond the aforesaid penalty, be confined in prison for fifteen days. One who has gone to Rome with his Superior's permission shall immediately present himself to the General (if present), or otherwise to the Procurator of the Order, from whom he shall receive permission to go about the City — but with the permission of the Prior of the convent as well. And whoever goes to any place where there is a convent of the Order shall in no way presume to go to the house of any secular or religious persons, or to eat or spend the night there, or to wander about the city, but shall go directly to the religious house — and whoever does not do so shall be deprived of active and passive voice and all offices for three years.

Travelers who commit any fault shall be subject to correction and punishment by the Provincial or Conventual Prior as if they were resident in his convent or Province. And when they arrive at a convent, they shall be kindly received and provided with all things necessary for guests, their feet shall be washed, and all acts of hospitality shall be shown to them out of charity.

CHAPTER XXIII

On the Sick

Regarding the sick, the Prior must take care to be not negligent; but as soon as anyone falls ill, he shall see to it that the sick person makes his confession,* and he himself shall personally administer the Eucharist to the sick person — and also (when it is needed) the Last Anointing — unless he is truly and legitimately impeded, for these two things belong above all to the shepherd of souls.

And since the sick must be cared for so that they may speedily recover — in accordance with the precept of the Blessed Father Augustine — until they are well they shall be humanely and kindly treated in food, drink, medicines, and all things that can lighten or altogether drive away the illness, as charity shall dictate. Therefore a place for the sick, separate from the dormitory, shall be established in every convent, with all the necessary furnishings as resources allow. One or more infirmarians shall also be appointed according to the number and need of the sick, who shall minister to them by day and by night with all charity, visit the sick, assist them kindly with words and services, and support them with the aid of daily prayer. And so that all things may be managed properly, they shall keep a book in which is written everything received from the pharmacist for the sick; and no one shall receive anything from him unless he is truly sick, and even then not without the Prior's permission and the physician's advice — all things being written in the book kept by the infirmarian, and by the Prior outside the cause of illness; otherwise the monastery shall be held to account for nothing. Nor shall anyone let blood, take medicine, or go to the baths under the pretext of a legitimate opportunity, without the physician's advice and the Prior's permission; and the Prior shall frequently visit the sick and encourage them to patience.

When any brother happens to fall sick while traveling, the convent where he has fallen ill is bound to provide for him in all things; but whatever has been spent on his illness shall be reimbursed by the convent in which he was a member of the household. However, the General, the Provincial, and those who accompany them are excepted; if they happen to fall sick during visitations or otherwise on a journey, the expenses shall be borne by the convent where they are sick and not repaid by another.

If anyone dies outside the enclosure while traveling, his goods assigned for use shall belong to the convent in which he was a member of the household from the day of the issuance of the obedience — even if the said goods were found in the convent of which he is a son or in another; and therefore the same convent to which they devolve is bound for the expenses incurred in the illness and burial of the traveling brother. To avoid

confusion, the Prior, as soon as he is informed that any brother of his household has been removed by the Superiors, shall have the Procurator note the date of the issued and certified obedience in the public book.

Excepted from this rule are the goods of the General, the Procurator of the Order, the Provincial, the Companion, and others who serve these Fathers in any capacity; the goods of all these shall belong to the convent of which they are sons. Extraordinary expenses that may be incurred for the sake of dignity in the funerals of Superiors shall be borne by the convents of their own filiation; but the expenses of illness shall be borne by the convents in which they die.

Among precious things are counted: objects of gold or silver, sacred vestments, painted or sculpted images, horses, and the like. Whatever other things a brother has brought with him for use shall belong to the convent in which he died, if he was a member of the household there; all else shall belong to the house of his filiation — though this provision does not apply to Superiors. Money, other precious things, and the other items specified above, acquired in any way by any brother who has continuously resided for ten years in the convent where he died, shall — if any are found — be divided in equal portions between the convent of filiation and the convent of residence, even if the brother departed from the latter six months before his death.

CHAPTER XXIV

On the Administration of Goods

Since our houses are built on the foundation of poverty, no one may hold or possess immovable goods of any kind — even those acquired by him in any way — as his own, or even in the name of the convent, under any manner, cause, invented title, or pretext, even on account of old age, illness, or any pious work; but all shall be incorporated with

the other goods of the convents and brought under the full and free power of the monasteries. Nor shall Superiors grant immovable goods to anyone, even as usufruct, use, administration, or commend; but the fruits derived from them shall be kept under the faithful care of the officials of the house.* Anyone who offends in any of the foregoing shall undergo not only the penalties prescribed by the Council of Trent — namely, loss of both active and passive voice for two years — but also other more severe ones at the Superior's discretion.*

No one may give money of his own — however owed to him, even from a patrimony reserved to him at the time of his profession, or earned by his own labor and industry through preaching, lecturing, and the like — to a monastery other than that of which he is a son, nor to another under the name of interest, whether in his own name or that of nephews, relatives, or familiars, so that they may receive something from the monastery on account of that capital for a time under any title, even of goodwill or gratitude. But all money accruing on account of individual brothers shall, by the counsel of the Discreet Fathers of the monastery, either be incorporated into the public goods of the convent, or placed in deposit, or invested in stable goods in the name of the monastery. * From the revenues of those goods, however, Superiors of the Order may and shall be able to provide for the religious necessities of those on whose account the capital was brought.* If contracts are made in any other manner, title, or form than as aforesaid — even with the permission of the Discreet Fathers — and confirmed by the authority of Superiors, they shall be understood to be entirely null and void.

Superiors shall take care that henceforth under the guise of such money no revenues are placed in deposit under the name or on account of the brothers whose money it was. So that this may be more sincerely observed, Visitors shall command the brothers under pain of excommunication incurred by the very fact, to declare faithfully whose such money was — whether given or otherwise acquired. If contracts already entered into are found to have been fictitious — in that a brother gave his own money and pretended it was given to him by relatives or by anyone else under any title — and the brother has freely

confessed this to the Superior and asked pardon, he shall be spared and provided with what is necessary from the revenues at the Superior's discretion; but if he has not confessed spontaneously but has been accused and convicted before the Superior, he shall be punished as a proprietor.

All money shall be written by the Syndic in the book of income and mingled with the other money of the convent through the hands of the Depositary to whom it is handed.* The use of movable goods may be granted by Superiors — but in such a way that the furnishings are in keeping with the state of poverty they have professed, that there be nothing superfluous in them, and that nothing necessary be denied. Authentic inventories of these goods in probative form shall be made, to be kept among the common writings. No one shall presume at his own discretion to dispose of movable goods granted for his use, nor to hold or deposit them outside the houses of the Order with anyone whatsoever; and whoever is found to have done otherwise shall be deprived of all such goods and shall lack both voices for three years.

Common goods — both movable and immovable — which can easily be dissipated unless faithfully guarded by prudent ministers: therefore none of the Priors may hold, exercise, or interpose himself in the administration of goods, the dispensing of money and revenues of his house, even in the name of the convent, by himself alone. But that entire burden shall be entrusted to three brothers, so that the first has charge of things and goods and the revenues to be brought in; the second, as Depositary, faithfully preserves the money and what has been brought by the first; and the third, from the money and things received from the Depositary, provides for the Prior, the brothers, and the whole house with the necessaries — as a dispenser — at the command of the Prior himself, who will take care to provide for each not according to personal preference but according to the rule of charity, all confusion of these offices being strictly forbidden.

These three shall render an account of their administration each month; and before being entered in the Daily Register of the monastery, the accounts shall be most diligently

examined by two prudent Fathers appointed by the Chapter in the presence of the Conventual Prior, and entered in the Register according to their judgment. So that the annual income may suffice for the household, a correct and prudent calculation of the annual revenue of each monastery shall be made; and after first deducting public burdens, taxes, tithes, assessments, and the like — so that no house may be burdened beyond its means — it shall be decreed by the General together with the Provincial and the Companion, after mature deliberation, how many brothers can be supported from those revenues, having regard to obligations for Masses, and taking account of the older Fathers and young men to be educated, so that expenditure may not exceed income. Thus the brothers will more conveniently devote themselves to prayer and sacred reading, and render to God prompt service in their monasteries.

In every monastery there shall be an authentic property register in probative form, in which shall be written: the origin of the convent, the relics present there, all public acts, inventories of immovable goods, rights and instruments pertaining to that monastery; and an authenticated duplicate copy of this shall be made — one to remain in the house itself, the other to be deposited in the archive of the principal house of the Province. Likewise every Provincial shall have a book in which are written the origins of the convents of his Province, the relics in them, and all acts and rights pertaining to that Province. At Rome also, in the Convent of San Marcello, there shall be a public archive of the whole Order, with a book describing the origins of all the Order's convents and the relics in all the monasteries; and all public rights pertaining to the whole Order shall be kept there, and the custodian of this archive shall be the Procurator of the Order in the Roman Curia.

In every house there shall also be a secure place with cupboards or chests in which writings, privileges, contracts, and all rights pertaining to the house, and likewise precious objects of the churches — even sacred ones — along with their authentic inventory, shall be kept; beyond those which are needed for the daily use of the church, which shall be kept in the sacristy and by the sacristan — sacred objects being distinguished from profane ones. This place shall have three keys: one held by the Prior,

one by the Depositary, one by the Procurator of the house. All Superiors — including the General himself — who have revenues or payments by reason of their offices shall take care to have their income and expenses faithfully and diligently noted in a separate book, and shall spend nothing for purposes other than those necessary by reason of their office.*

CHAPTER XXV

On the Qualities and Power of the Prior General

The Prior General — * unless the General Chapter shall judge otherwise * — shall be a Master in Theology of at least forty years of age, who has remained in the Order for at least twenty consecutive years; * who has served as Regent in one of the major studies of our Order, or has lectured in theology at some public university, or has preached with distinction in the principal cities of Italy for six years. He shall not have resided outside the houses of the Order (even with his Superiors' permission) during the preceding six years. He shall never have been suspected of heresy. He shall be of good name and reputation, distinguished by excellent morals, prudence in managing affairs, and holiness of life. He shall have given some evidence of administrative ability, and shall not have held that office in the preceding six years.

He shall have general power over the whole Order, but shall not carry out duties belonging to other prelates of the Order, unless they are negligent in their office. Brothers who have recourse to him — whether in person or by letter — to avoid carrying out an obedience enjoined by the Provincial or Prior shall be punished. If he does anything pertaining to a Province, convent, or particular brother of the Province, he shall notify the Provincial. He shall be the guardian of the laws and by his own example lead others to their observance. He shall visit all the houses of the Order at least once during the whole of his term of government, together with the Provincial and Companion; and shall do

nothing serious without their counsel. He shall have a voice in all the Provincial and Conventual Chapters of the whole Order. He shall correct all brothers committing offenses of the most serious fault, even outside a Visitation; and during Visitations, all offenses whatsoever. Above all, he shall take care that the Provincials do not fail in their duty, and shall frequently keep them to their office by exhorting, admonishing, and — if necessary — correcting them.

He shall not impose charitable subsidies for ordinary expenses in the Roman Curia or elsewhere. If however an extraordinary expense occurs — such as for the acquisition of a place, the printing of books, or other such matters for the public benefit — it shall be paid from public funds, and this shall not be done except with the consent of the Provincials and Companions. He shall have from the Order the customary subsidy sufficient for his expenses during visitation and for maintaining his rank at the Roman Curia. He shall not receive or exact anything from the Monastery of San Marcello in Rome — if he happens to reside there for some time — beyond the first eight days, beyond bread and wine for himself, his Companions, and his servant; for the rest he shall provide for himself from the assessments assigned to him by the whole Order according to ancient custom. He shall also be bound to pay sixty gold ducats of the Chamber each year to the Procurator of the Order in the Roman Curia.

When the Prior General has completed his term he shall return to his rank* and shall be bound to render an account of his administration — both public and private — before three judges appointed for this purpose by the Chapter; an authenticated copy of this shall also be drawn up from the acts of the Chapter, so that it may be sent to Rome at every mandate of the Sacred Congregation or the Apostolic See. The same former Prior General, having discharged his office, shall not take precedence over Provincials in their own Provinces or at the General Chapter; otherwise he shall outside the Provinces and the General Chapter; he shall be subject to no one except the Prior General, and shall have passive voice after six years.

If the Prior General dies before the Chapter, the General Definitor of the Province in which he died shall have the full and complete authority of the Prior General until the General Chapter, which — if it has not already been convoked — he shall at once be bound to convoke; he shall hold the Seal of the Order and the Book of the Constitutions. If he refuses to carry out this office, he shall incur the sentence of excommunication. He shall have no voice in the future General Chapter but shall hold the place of the General; and having laid down the office, he shall not enjoy the privileges of Generals who have completed their term. If the General Definitor who has succeeded by force of law to the place of the deceased General should also die, then the General Definitor of the Province in which the said locum tenens or Vicar died shall not succeed, but the Holy See shall provide an Apostolic Vicar — so declared by the Sacred Congregation of Religious for the Capuchins and for the Servites in October 1632 at the death of Eliseus. If at any time an Apostolic Vicar is appointed by the Holy See, in the General Chapter convoked by him he shall have both active and passive voice, even if he has not been presented by the Provinces for the grade of General. If the same Apostolic Vicar happens also to be the first Definitor, after the resignation of his office into the hands of the next Definitor in the order of Provinces, he shall return to his place as first Definitor, sit there, cast his vote, and perform all things pertaining to the first Definitor — as declared by our Most Holy Lord Urban VIII in his letters of presidency of 1633 addressed to the Most Illustrious Lord Francis Paulucius, Referendary of Both Apostolic Signatures. If the General dies in a Province that happens to be without a General Definitor, the first Provincial Definitor who is a Master in Theology, according to the date of his Mastership, shall succeed to the place of the deceased General.

The legal Vicar from the day of the General's death, and the Apostolic Vicar from the day of the dispatch of the Apostolic letters, shall be immediately bound to convoke a Chapter to be celebrated within four months and no more.*

CHAPTER XXVI

On the Qualities and Office of the Procurator of the Order

The Procurator of the Order in the Roman Curia shall be a Master in Theology — learned, prudent, capable of delivering a sermon in the chapel of our Most Holy Lord the Pope, and capable of lecturing publicly in the general study by himself. He shall not have been suspected of heresy; he shall be of good name and reputation and of blameless life.* He shall not be absent from Rome for more than fifteen days; if he has been absent longer, the General may substitute another until his return. He shall have lectured in theology for three years in some study of the Order, or publicly, and shall have remained in the Order for twenty complete years. He shall be bound to give two orations in the chapel of our Most Holy Lord: one on the feast of Epiphany, the other on Passion Sunday — these days having been assigned to our Order by the Holy Apostolic See for preaching in the chapel.

He shall be bound to handle the business of the Order and of whatever Province or convent in the Roman Curia with all diligence; and if a lawsuit happens to be pending between a convent and any brother, or between a Superior and any subject, the Procurator shall be bound to defend the interests of the convent and the Superior. He shall not however handle or conduct any business outside the Roman Curia in the name of the Order, except by mandate of the Protector. He shall have a Seal bearing the image of our holy Father Philip, with the surrounding inscription *Sigillum Procuratoris Ordinis Servorum*, so that his letters and patents — when it is necessary, by mandate of the General — may be given certain credence. If the Procurator is found to be handling any case negligently, the General (if present) may superintend that case himself; if absent, he shall notify the Protector so that provision may be made on his advice.

The Procurator shall be subject to no one in the Order except the Prior General; he shall

be bound to redeem all letters addressed to him. The expenses he incurs in receiving letters from individual persons, convents, and Provinces shall be borne by those whose cause is being handled. The Procurator shall reside in the Monastery of San Marcello in Rome, from which he shall receive a physician, medicines, and everything held in common; he shall however be free from all burdens of the monastery.

When he has discharged his office, he shall remain outside Rome in his Province;* and the same office of Procurator shall not be available to him again until it has been vacant for twelve years. He may however be raised to the grade of General after six years, the other required qualities being present. The Procurator of the Order shall not prepare favorable rescripts or add them to petitions of brothers — especially non-students — requesting the grade of Mastership, contrary to or beyond the decrees of our Constitutions, even if (regarding students) they completed their course of studies in secular life or in another religious order. The same applies to those who presume to procure for themselves privileges of active or passive voice against the Statutes of these Constitutions and the laudable custom of the Order — to which decree the General himself is also subject.* If it happens that the Procurator of the Order dies or becomes incapacitated, the General together with the Provincial and Companion of the Roman Province shall subrogate another Procurator until the General Chapter, who shall however have no voice at the future General Chapter; and they shall be absolutely bound to do so within a month from the day on which his death or incapacity has become known to them.

CHAPTER XXVII

On the Qualities and Power of the Provincial

The Prior Provincial shall be a Master in Theology, promoted to the Mastership in accordance with what is prescribed in Chapter XIV of these Constitutions; a son of the

same Province in which he is to be appointed; who has worn the religious habit for twenty complete years. If through the small number of Masters no one remains elected after three successive ballotings, a Master of another Province — even absent — may be elected.* He shall not have been suspected of heresy, nor have resided outside the enclosure (even with Superior's permission) during the preceding three years; he shall be of good name, reputation, and blameless life; he shall not have been Provincial of the same Province in the preceding six years.

His duty is to watch diligently over the growth of the Province committed to him, and by word, example, and corrections to lead all to the observance of the Constitutions. He shall not carry out in person what belongs to the office of the Prior and other officials of his Province, unless they are negligent in their duties. He must however be attentive to them, admonishing and correcting them so that they do not fail in their duty. He shall visit all the places of his Province together with the Companion each year when the General has not made a visitation. He shall do nothing serious while visiting without the Companion's counsel. If the Provincial and the Companion disagree on the Visitation, they shall consult the General — whose vote they shall not however wait for on the spot lest the convent be burdened with expenses — but shall complete the Visitation, that matter only having been omitted.* He shall not impose penalties for offenses of the most serious fault, but shall only take cognizance of such cases up to but not including the final sentence, which he shall refer to the General. If it happens that after a cause has been determined by the Provincial, appeal has been justly made to the General, and the General wishes to commit the cause to another in second instance, he may only commit it to an existing actual Provincial of another Province, or to one who has discharged that office.

If the Provincial is suspended from office, or incapacitated for any cause, or rendered unfit through mental infirmity, the General shall appoint a Rector of the Province — not however with the title of Prior Provincial. If the Provincial dies, the Companion shall discharge his office and be called Rector Provincial; and if he is a Master, he shall take as

Pro-companion the first Provincial Definitor who is not a Master elected in the preceding Chapter. If however the Companion is not a Master, he shall take as Pro-companion the second Definitor who is a Master elected in the preceding Chapter, who shall assist only in Visitations and in the Chapter until the election of a new Provincial. If the Companion dies within the three-year term, the Provincial shall take as Pro-companion the first Provincial Definitor who is not a Master, until the future Provincial Chapter.

He shall correct offenses of more serious fault; and during visitations also those of minor and serious fault. He shall have a voice in every Conventual Chapter of his Province. He shall also arrange the household arrangements of the convents, transferring brothers from place to place when needed; and he shall fully obey the General when he commands a brother to be removed from any convent or assigned to one. * He shall not however delay elections of officials or Discreets to be sent to the Provincial Chapter; otherwise the election shall be null by that very fact and he shall incur suspension from office. He shall not transfer the same brother frequently, nor others at the time of electing Discreets, as aforesaid, except for reason of scandal arising at that time or for an urgent cause. He shall not relegate brothers or drive them from his Province without consulting the General, nor give them letters to friends even if requested. He shall punish brothers who come to him for a trivial cause (so as to remove the occasion of wandering about the Province). He shall grant permission to go to the General or Provincial Chapter to no one unless a just and manifest cause is expressed in writing in the letters of permission.

He shall not receive any brother of another Province who does not have letters from the General or from his own Provincial; indeed he shall send such a one to prison for a week and then remit him to his own Provincial. However a Prior's office becomes vacant — whether by death, deprivation, incapacity, resignation, etc. — the Provincial shall provide a replacement, unless the General is in the Province; and the one so substituted by the General or by the Provincial shall be called Vicar Prior — who shall however have no voice in the Chapter by reason of the vicariate, unless he was appointed at the outset on account of a vacancy arising in any way whatsoever, after the election at the Provincial

Chapter, and that only within a month, and shall be understood as Prior for the first year. The Provincial shall not preach within the year outside his own Province, lest it be, as often happens, deprived of its own pastor. A Provincial Rector appointed by the General for causes assigned in the Constitutions shall endure until the next Provincial Chapter to be celebrated. The Provincial may choose any place in his Province for his residence, and provision shall be made for him by the convents according to the ancient tax distributions. The Provincial shall keep a book called the Register, in which all acts pertaining to his government shall be written.

CHAPTER XXVIII

On the Qualities and Office of the Companion

The Companion shall be taken from the sons of the Province, or from those who have resided in it during the preceding three years. He shall be from the body of the Provincial Chapter from which he is to be elected, of thirty-five years of age, and when elected shall be understood to serve for three years together with the Provincial. He shall never have been suspected of heresy; he shall be of good name, reputation, and blameless life; and shall not have held the same office during the preceding six years. He shall not take precedence over those whom he does not otherwise outrank, except during the time of the Chapter and Visitation only. His duty shall be to assist the General and the Provincial in Visitations and to give them counsel in conscience concerning what is just. He may hold no other office during that time, except that of Regent, Lector, or Preacher; and while accompanying the General or Provincial in Visitations, he shall have a voice in every convent of the Province. Outside a Visitation however he shall have no voice except in the monastery of his residence. The Companion shall also have from his Province the subsidy for travel expenses established in the General Chapter celebrated at Parma in 1579, so that he may attend the Visitations with the Provincial.* If the Companion dies, the Provincial shall have as Pro-companion until the next Chapter to be celebrated the

second Definitor who is not a Master, to whom the travel subsidy shall be assigned from the portion owed to the one who died in office.

CHAPTER XXIX

On the Qualities and Authority of the Conventual Prior

One who is to be elected Prior of a collegiate convent shall have already served in the Order in the priestly order for four complete years; in other convents three years shall suffice. But for both collegiate and non-collegiate convents alike, he shall have remained in the Order for twelve years, and shall be capable of hearing the confessions of seculars — of which capability the Provincial, or at least one of the Province's Examiners, shall attest under oath. He shall not have been Prior of the same convent for four years, nor have continuously exercised the office of Prior for that same immediately preceding period, unless necessity demonstrated to the General or Provincial has determined otherwise. He shall not have been convicted or have confessed to fraud or maladministration.* He shall be bound to maintain continuous personal residence in the convent in which he was elected, and may not be absent from it for a month except for a known and proven cause expressed in writing by the Provincial; and the office of a Prior who has done otherwise shall be understood to be vacant by the law itself, and the Provincial — but in the General's absence — shall at once proceed to the institution of another.

The Prior shall have no faculty to excommunicate his brothers, nor shall he be able to pronounce a sentence of excommunication on account of lost or stolen goods, or for the purpose of any revelation. He shall above all be a zealot for the church and take particular care that it be maintained and repaired in its structures, kept clean and orderly as is fitting, and provided with books, vessels, ornaments, and other things pertaining to the ministry of the altar and divine worship — all of which shall likewise be kept clean and

bright. He shall order the morals of the brothers and correct their faults according to the Decrees of the Constitutions; but he shall not pour insults and abuses upon them in any way. He shall observe the Constitutions and see to it that they are observed. He shall provide necessities for the sick. He shall avoid singularity in food and live the common life with the brothers. He shall take care that clothing is given to the brothers at the appropriate times. He shall keep the officials of his convent at their duties — by entreating, arguing, rebuking, and correcting — and shall not involve himself in any particular office, but shall always be attentive to all. He shall not contract debts or sell movable goods without the permission of the Discreet Fathers. He shall not be able to sell immovable goods without the written permission of the Prior General, beyond the solemnities required by law. He shall not be able to imprison any brother except on the advice of the Discreet Fathers, excepting however the cases expressed in these Constitutions.

No appeal is given from the correction of the Prior; if however the person corrected proves to the Provincial or General that it was done unjustly, the Prior shall know himself subject to the penalty of suspension or removal from office according to the nature of the excess and the grievance.

He shall not undertake buildings on account of which it would be necessary to sell the goods of the monastery, or contract heavy debts, nor those which are built merely for display; and so that this may be strictly observed, he may not undertake any construction exceeding the value of two gold pieces without the consent of the Fathers; and if it exceeds the value of twenty gold pieces, he shall also need, beyond the consent of the Fathers, written permission from the Provincial. He shall receive nothing from the convent of which he is Prior on account of the handling of letters, unless they are addressed to him by the General, the Procurator of the Order, or the Provincial, and only for matters pertaining to the Order. The Prior or Procurator of the convent may not, for any reason — even on the pretext of being creditors of the monastery, that is, only by reason of administration — sell the necessities for the sustenance of the brothers up to the

new harvest and vintage, under pain of perpetual disqualification from such offices.* Every month he shall diligently inspect the brothers' cells; and if he finds anything illicit, vain, or in any way indecent, he shall remove and destroy it; and if they are garments, he shall at once tear them up and punish the owners. He shall not be able to expel any brother from the monastery or receive another without the express consent of the Provincial. He shall not bless the brothers in the presence of the General or Provincial. He shall put into execution the sentences of the General or Provincial against offending brothers; if he does otherwise, he shall be deprived of his office. Brothers committing offenses of serious or minor fault he shall punish himself and shall not refer these to the General or Provincial; and all else that charity shall teach him ought to belong to a father toward his sons, he shall humbly strive to carry out.

CHAPTER XXX

On the Qualities of the Conventual Officials

The Prior shall have in his convent the Discreet Fathers, who shall be: first, all Masters; the Procurator of the Convent; the Syndic; the Depositary; the Bachelor of the Convent in a monastery where a major study flourishes;* and the Fathers who have exceeded the fortieth year of age, and have never been convicted of or confessed to fraud or theft. By their counsel all the business of the monastery shall be managed, and in more difficult cases they shall serve as his assistants. Where there are not five Fathers available for deliberation and consultation by vote together with the Prior or his Vicar — who in the Prior's absence has a voice among the Fathers, even if he is not forty years of age — all priests shall be summoned in place of the Discreet Fathers,* so that, if their number is insufficient, the governance of the convent may not be exercised at the Prior's sole discretion.

There shall also be officials, ministers, and co-workers: a sacristan, a syndic, a depositary,

and a procurator, whose offices shall each be administered by different persons.* There shall also be a steward of provisions, a keeper of bread and wine, a hospitaller, an infirmarian, a Master of Novices, a Master of the young professed, a doorkeeper, and others as local necessity requires — all these offices to be distributed by the Chapter to separate and distinct persons if it can conveniently be arranged, for when each person is appointed to handle one particular thing, matters will undoubtedly proceed better.* Officials shall be elected each year within a month of the celebration of the Provincial Chapter.

The sacristan shall not be one who has not been constituted in Holy Orders; he shall be adorned with good morals, patient, a diligent keeper of sacred things, zealous for divine worship, and in all things irreproachable. The Syndic, Depositary, and Procurator of the Convent shall be priests who have never been condemned for theft, fraud, maladministration, or gambling. The Procurator, as soon as he has been elected, shall within a month — under pain of deprivation of office — make, together with the Prior in the presence of two Discreet Fathers, an inventory in which all the furnishings of the sacristy, dormitory, infirmary, hospice, kitchen, cellar, and refectory shall be written.* These inventories shall be signed by the officials or custodians, who shall subscribe in the book of inventories, so that if anything is missing through their negligence, they may be punished at the Provincial's discretion.*

The Syndic and Procurator shall render an account of their administration each month before the Chapter under pain of deprivation of office; all the Fathers of the household must be present, unless legitimately impeded. In united convents, whoever handles the revenues shall be bound to render an account every six months to the principal convent. The books of income and expenditure, together with the other books of the convent from past periods, shall be kept in a secure place with other public writings and all things pertaining to the convent, so that they may be read when needed — under pain of loss of the office of Prior and disqualification from all offices for five years. The administrative books of united convents, when completed, shall be brought to the principal convent and

kept there. The predecessor Priors of all other convents, whether major or minor, shall be bound at the end of their office to hand over the inventories and all administrative books to their successors, and all other rights of the monastery — in the presence of witnesses and in writing which they shall be able to exhibit when required — under the penalties mentioned above.

If any serious business occurs to the Procurator or Syndic, he shall inform the Prior, and the Prior shall inform the Fathers; and they shall decree what is just and proper. If the Prior is negligent or maliciously refuses to put the matter forward, the Procurator or Syndic himself shall either notify the Provincial or put the matter to the Fathers himself. And so that public goods may not be administered at one person's discretion, the Syndic or Procurator shall not sell or exchange movable goods; shall not lease or rent out houses or properties; shall not change tenants; shall not lend the monastery's money. No brother — whoever he may be, not even the Prior — may contract debt except for ordinary and daily expenses regarding the necessary provisions, without the counsel and consent of the Discreet Fathers, under pain of loss of both voices for three years. From the money of the convent, nor from that of anyone else, shall they conduct trade or commerce, under pain of more serious fault and perpetual disqualification from all offices. Gifts or presents of any kind shall not be sent, nor shall anyone — even while holding office — convey or remit money or anything else from the Province or house entrusted to him, or from any other source, to the Prior General or to any other person whatsoever. And all who do otherwise shall incur the penalty of deprivation of all Priorates and offices, and shall be considered disqualified from future ones, and shall also be punished for their sins as thieves — as declared by the Constitution of the holy memory of Pope Pius V.

CHAPTER XXXI

On the Office and Power of the Vicar

Since Superiors cannot always be present everywhere and in all things, it is right that they accomplish through others what they themselves cannot do in person; and therefore it is to be granted to them that, when legitimately impeded by just causes, they may commit their place to others. But since, unless this faculty of appointing Vicars is restrained by law, it tends to give rise to many scandals, we establish that a Vicar substituted by the General for the celebration of a Provincial Chapter shall hold the place of the General after his letters of substitution have been read — once the Chapter has been convened by the Provincial for this purpose — until the Chapter has been concluded. A Vicar General may supply the place of the General both in the Provincial Chapter and in Visitations, even regarding dismissorial letters for Holy Orders and all other things that the General himself could do if he were present — unless such authority has been restricted by the General himself. If the Prior General goes outside Italy, he may substitute a Vicar for the whole of Italy.

Vicar Generals usually sent to Spain, France, Germany, Corsica, and Sardinia shall not grant brothers permission to leave those places, nor shall they dismiss them, without consulting the General; and furthermore they shall take care, under pain of perpetual disqualification from all grades and dignities and deprivation of any they may hold, not to grant to lay brothers the clerical crown or dimissorial letters for the reception of Orders, nor to permit clerics of another Province to be ordained without the General's or at least their own Provincials' dimissorials — unless they have resided there for some notable period, that is, at least a year.

The Provincial, while present in his Province, shall not be able to substitute a Vicar; but if absent he may appoint a Vicar who shall have all the powers of the Provincial, except the

power to suspend Priors. The Conventual Prior may in his convent substitute a Vicar who shall however hold the place of his profession and shall have nothing beyond the other brothers regarding clothing. All substituted Vicars shall be removable at the will of the substituting Superiors. The office of all Vicars shall be understood to be vacant when the office of those who substituted them becomes vacant.

If the office of any Prior becomes vacant for any cause, the worthier — if present, otherwise the senior — shall take charge of the governance of the convent (holding the place of his profession or grade) until the General or Provincial has made provision. The same shall be observed if the Prior and his Vicar are both absent from the convent; the brothers shall during that time be bound to obey the worthier, if present, otherwise the senior. General or Provincial Commissioners appointed for particular cases shall not be called Vicars, nor after the publication of the Commission letters shall they hold precedence except that which they hold from their profession or personal grade. Provincial Vicars likewise appointed in the absence of the Provincial shall act in the same manner regarding precedence; but they may hold the supreme place for precisely that span of time when some necessary function of the office occurs; when that is finished, they shall return to their own place.*

CHAPTER XXXII

On Visitations

Since by human frailty all religious orders customarily relax from their first institutions unless they are continuously recalled to regular discipline by the diligence of their Superiors: the General shall be bound to visit all the places of each Province at least once during the whole of his term of government, together with the Provincial and Companion. The Prior Provincial together with the Companion shall visit all the convents of his Province once a year when he has not visited together with the General.

When they arrive at any convent for visitation, first — with the Chapter assembled by the Prior General or Provincial — a sermon shall be given to the Fathers, proposing the necessity or opportunity of visiting the convent; and all shall be admonished that, keeping God and their conscience before their eyes, setting aside favor, love, hatred, and fear, and all human respect, they shall sincerely tell the Visitors what they know to be in need of reform or correction; and that they do this only out of sincere fraternal love and love of the Order, so that those who sin may be corrected, not put to shame.

The Visitors shall then inspect the church, noting: whether the Most Holy Sacrament and the relics of the saints are kept as is proper; whether the altars and the whole church are kept clean and bright, with all necessary ornaments; whether the chalices and sacred vessels are intact and uncorrupted; whether there are vestments, books, and other necessary ornaments, likewise kept not torn but clean and bright; whether anything indecent is found in the Chapter house or other public place; whether in the brothers' cells anything secular, curious, or irreligious in the way of clothing is kept, or anything curious, superfluous, or otherwise unbecoming and contrary to regular observance. They shall then see whether the number of brothers who ought to remain in the convent is complete; and they shall scrutinize the inventories of movable and immovable goods and the book of income and expenditure. They shall also make a diligent examination of prohibited, suspect, superstitious, vain, or scandalous books and writings. And having considered all that can be observed with the eyes in the whole house, they shall examine individually all who are of the convent — beginning from the juniors — having first administered an oath that they sincerely declare what they know to be in need of reform in their convent, excepting however those secret crimes of which there have been no prior indications and no preceding ill repute.

The brothers shall know however that if there are things — even of the most secret kind — that they know about, they may reveal them to the Superior, not as to a judge for the purpose of punishment, but as to a pious father, so that he may secretly correct the sinner; but they are not bound to do so by the force of the oath. And the Visitors shall know that

such secrets divulged to them are to be entirely kept hidden and never revealed, under the threat of divine judgment.

The things that are not secret and must be inquired of those visited are: whether all attend the daytime and nighttime Canonical Hours in choir; whether the convent's obligations for anniversaries and Masses are fulfilled; whether cases of conscience are read on the appointed days; whether the regular fasts are observed; whether the Prior is negligent in correcting offenses, or prodigal in dispensing; whether there are things to be corrected in morals; whether the Rule, Constitutions, and other regular observance institutions are kept; whether temporal matters are faithfully administered by the Prior, Procurator, and other officials;* and among other things, whether the archive of the convent exists and is properly kept. The Visitors must also require and diligently examine the accounts regarding the consumption of grain, wine, oil, and similar things — punishing the Prior if more than is just of these things has been consumed (having regard to the household, income, and guests, for which a book must be produced, namely of alms and guests) — as for more serious fault.* Whether they obey the Prior and cherish each other with mutual charity; whether there is in the convent any proprietor, or anyone who is a gossip or disturber of peace with his tongue; whether the brothers have conversations too frequently with seculars (especially scandalous ones); whether novices and young professed are being formed in holiness and piety; whether the appointed daily readings are being made. Then those to be admitted to studies shall be examined according to the Constitutions in Chapter XIII; and also those already admitted — with the General's permission when he has not visited either in person or through his Vicar, and by no means without it — and those who have not made progress, even if they are Bachelors, as stated above in the chapter on Students, shall by the General's command be deprived of the name and privileges of Students or Bachelors. Those to be promoted to Orders shall also be examined, and those to be presented to the Ordinaries of the places for hearing secular confessions — who must be approved by them. And if any things are found in need of reform, they shall be reformed; and all the commands that the Visitors have made for

reform shall be reduced to writing. Two copies shall be made: one shall be given to the Prior so that he may put into execution the Decrees contained therein; the other shall remain with the Provincial, whose responsibility it shall be in the subsequent visitation to verify whether the admonitions and precepts of the preceding visitation have been put into execution.

Faults shall be corrected and sinning brothers reproved — secretly or publicly as the nature of the fault requires. And if the Prior has been negligent in correcting offenses committed during the year, those who have sinned shall be corrected according to the Constitutions, and the Prior shall be rebuked as the nature of his negligence requires. If vain books are found, they shall be committed to the fire and the one in whose possession they were found shall be punished. If Regents, Lecturers, or other brothers are found suspect of heresy, they shall be handed over to the Most Holy Inquisition. Those who are found to possess prohibited books without special permission of the Apostolic See, beyond the penalties of common law and those imposed by the Holy Office of the Inquisition upon such persons, shall be perpetually deprived of the offices of reading, preaching, and hearing confessions; they shall also be disqualified from all offices, shall lack active voice, and passive voice.*

Superiors shall not, after the Visitation is completed, molest anyone on account of what took place in the Visitation, unless some cause arises that could not be settled during the Visitation — which however they shall be bound to conclude as soon as possible; otherwise the General himself may provide. When the Visitation is concluded, an exhortatory sermon shall be given to the brothers regarding progress in life, mutual charity, observance of the Constitutions, and of what has been decreed during the visitation. Then a general confession and absolution shall take place; the Gradual Psalms shall be enjoined on each individual priest and cleric to be recited twice, and the Crown of the Blessed Virgin on laybrothers. The Prior General or Provincial may — if the opportunity demands — grant to some prudent Fathers the faculty of absolving from cases reserved to them.

So that places may not be burdened with excessive expenses, the Visitation shall be concluded as quickly as possible — and unless circumstances allow otherwise, it shall not be extended beyond three days. The Visitors shall be content with frugal fare, lest they appear to have come for feasting rather than visiting. So that they cannot pretend otherwise, they shall subscribe daily the expense schedules for their own board; the Procurator shall be bound to have these subscribed by the Visitors themselves, and to produce them when rendering his account — otherwise those expenses shall not be accepted by the Fathers. The Visitors shall finally know that the diligence required in visiting is such that — if possible — it need not be necessary to visit those places again.

CHAPTER XXXIII

On Minor Fault

Religious superiors should know that not all sins are equal, but some faults are minor, others serious, some more serious, and some to be numbered among the most serious.

Minor fault is: if anyone, as soon as the signal has been given, does not come to church having left all things, with mature haste, composed and fully clothed in his habit; if anyone has not read or sung correctly in choir and has not immediately humbled himself before all; if anyone, not attentive to the Divine Office, shows frivolity of mind with wandering eyes and irreligious movement; if anyone makes noise in the church, dormitory, or cells; if anyone has not prepared the reading or chant at the appointed time; if anyone presumes to read or chant something other than what is customary during the celebration of the Divine Office; if anyone sleeps while the Offices are being said; if anyone treats the ornaments of the church or altars carelessly; if through anyone's negligence the book from which a reading is to be given is missing; if anyone fails to be

present at the appointed times to hear the reading with the others; if anyone delays returning to the convent at the hour he should; if anyone fails to attend the Conventual Chapter or the common meal; if anyone during the time of silence or enclosure admits seculars to the convent; if anyone breaks silence; if anyone speaks vain words; if anyone laughing dissolutes excites others to laughter by words or deeds; if anyone directs wandering eyes along the roads toward vanities; if anyone goes about not fully clothed in his habit; if anyone breaks or loses some utensil; if anyone spills some food or drink; if anyone takes food or drink before the blessing; if anyone reads or retains vain or curious books; if any official is negligent in the things pertaining to his office; and finally, if anyone publicly commits a sin not counted among mortal sins.

The Conventual Prior shall secretly or publicly rebuke those who sin thus, or shall correct them by imposing discipline, or shall order them to say some prayers as a salutary penance, as the nature, frequency, and condition of the person shall seem to require. A Prior who omits the aforesaid corrections — if this is discovered during a Visitation — shall be publicly rebuked.

CHAPTER XXXIV

On Serious Fault

Those sin seriously who do not communicate, or do not confess, or do not celebrate or hear Mass at the required time prescribed by these Constitutions, without cause; who do not use the ceremonies of the reformed Roman Missal during the celebration of Mass; who recite neither in choir nor privately the Divine Office; who break the fasts of the Church or the regular fasts without dispensation; who abuse the words of Sacred Scripture, or blaspheme God or the saints.

All these shall be corrected by the Conventual Prior by public discipline and the

imposition of fasting twice a week for a month, and otherwise for more days as shall seem expedient to him, having regard to the specific offenses and the circumstances of the person.

He also sins seriously who leaves the house at night; who in church or publicly speaks alone with a woman in a way not without scandal. The Prior shall correct these persons by imposing the penance of prison for eight days and the daily recitation of the Penitential Psalms for a month. He also sins seriously who strikes anyone without drawing blood. The Prior — after he has absolved him from excommunication (if the sinner has humbly requested it) — shall confine him in prison for fifteen days, impose fasting twice a week on bread and water, and enjoin a greater penance according to the nature of the crime. He also sins seriously who argues immoderately with someone in the hearing of seculars; who insults another; who stubbornly defends his own or another's fault; who sows discord among the brothers; who deliberately tells a pernicious lie to the Superior; who pursues with curses or threatens the one who has denounced him to the Superior for some crime; who reproaches a brother for a past fault for which he has already done satisfaction; who speaks ill of the parents, relatives, or household of any brother. The Prior shall punish these persons by public discipline and impose fasts according to the nature of the offenses. He also sins seriously who leaves the house without permission; who goes to the monasteries of nuns; who plays with seculars outside the monastery; who keeps arms within the monastery enclosure or carries them on a journey; who wears his habit contrary to custom. The Prior shall punish these persons by public correction and confinement in the monastery for two months. He sins seriously who plays with seculars outside the monastery even at a lawful game — for one who plays at an unlawful game, both outside and inside, ought to be punished with a more serious penalty; and if the Prior is convicted in the Visitation or outside it of knowingly not having put the aforesaid penalties into execution, he shall be suspended from office for a month.

CHAPTER XXXV

On More Serious Fault

He sins more seriously who speaks heretical blasphemies against God, the Blessed Virgin Mary, or the other saints; when convicted or having confessed, he shall be confined in prison for at least a month and shall fast twice a week on bread and water for a year. He who frequents the monasteries of nuns shall be exiled from that city at the Superior's discretion. He who has been convicted or has confessed of having falsely defamed someone, or of having given false testimony in a criminal case, shall be branded with perpetual infamy and shall lack active and passive voice for three years; during which time he shall also receive discipline once each week and perform other salutary penances to be imposed at the Superior's discretion. He who has defamed anyone by means of a lampoon shall be branded with perpetual infamy and imprisoned for a month.* He who has forged the letters or seal of the Provincial shall be imprisoned for a month and shall be perpetually exiled from that Province, and shall perform other salutary penances imposed by the Superiors. He who has intercepted or opened letters of the Superiors — if he has a grade, he shall be deprived of it and may not be restored to it except by the General Chapter; if he has no grade, he shall lack both voices and may not be restored except by the General Chapter. He who has opened or intercepted letters of other brothers shall lack active and passive voice for three years. He who has been convicted or has confessed of theft shall, beyond restitution and infamy, be perpetually deprived of any administration whatsoever; and if the theft was of sacred goods, he shall be perpetually relegated to some monastery to perform penance.

He who has squandered or badly administered the goods of convents shall for three years be deprived of any administration and shall lack both voices as long as he has not made restitution. He who has badly administered a house so as to permit more than is just to be consumed, or has sold or bought the produce of the monastery not in accordance with the canons, or has left the house destitute of necessaries, or has contracted debts without the

necessity of building or restoration or an urgent need of extraordinary expense, shall lack all administration for ten years and both voices until full satisfaction is made. He who has carried on commerce or trade shall, beyond loss of goods, be deprived of any administration and both voices for three years.* He who has conducted the business of seculars — even of relatives* — without the permission of Superiors, if charity toward neighbors does not otherwise suggest, shall be removed from the convent in which he is for one year.* He who has lived in concubinage — if it occurred without public scandal — shall be exiled from the Province in which he committed the offense for three years; if it was public and with scandal, he shall be exiled perpetually, suspended from the exercise of Orders, and fasting imposed on him for whatever time the Superior shall see fit. He who has committed fornication shall fast twice a week on bread and water for a year and shall be exiled for two years from the place where he committed the offense after receiving public discipline. He who is caught leaving the enclosure of the monastery without his religious habit shall be exiled from the Province where he offended for two years, and shall be relegated to some monastery for a year to perform the salutary penances enjoined by the Superior. He who has possessed immovable goods contrary to the vow of poverty and the Decrees of the sacred General Council of Trent and the Constitutions of the Order shall, beyond the loss of the goods, be deprived of any administration for ten years.

He who has celebrated Mass twice in one day, or when not fasting, or has had himself ordained before the age prescribed by the same sacred Council of Trent, or by leaping over a rank, or without dimissorial letters from the General, shall beyond the canonical penalties be imprisoned for two months. He who has dared to reveal in any way sins heard in sacramental Confession shall be perpetually deprived of hearing confessions and relegated to a monastery to perform penance. He who has diabolically dared to attempt and commit the most abominable sin shall be imprisoned for a year and shall fast twice a week during that time on bread and water. He who has accused anyone outside the Order shall be imprisoned for a month and relegated to a monastery for three years.

He who has caused books or writings to be printed — even those pertaining to music, however brief — under his own or a fictitious name without the Prior General's written permission shall, beyond the loss of the books, lack active and passive voice for three years and shall be perpetually deprived of the faculty of printing any work whatsoever. He who has struck anyone with bloodshed, or has wounded someone, shall be imprisoned for a month and shall fast on bread and water every Friday for that time; if however he has struck a cleric or lay brother, he shall be absolved by the Provincial or his delegate from the excommunication (if he humbly requests this), with some serious penance imposed by the Provincial for the same time, and he shall also undergo other more serious penalties according to the nature of the offense. He who is caught playing at dice or tile games shall, beyond the penalties mentioned elsewhere, be exiled from the convent for two years; if this occurs outside the monastery and with seculars, the penalty shall be doubled with deprivation of office — even if he happens to be a Provincial, since this is considered unworthy of that dignity. He who dares to attack a brother with arms or a stick shall be compelled to ask pardon and, having received public discipline, shall be exiled from that convent for three years.

Those who: have not complied with a sentence of more serious or most serious fault; have been incorrigible relapsing into the same crime; have been found to have committed the offense three times with scandal; have been found to have kept prohibited weapons — all of these shall be condemned to the galleys for such a period of time as the gravity of the offense requires. He who has dared to insult the Provincial shall publicly ask pardon and shall be exiled from the Province for six years — or for longer if Superiors shall judge expedient. Brothers who are incorrigible shall be expelled from our Order until they have repented — the form of the Decree of the Sacred Congregation issued 21 September 1624 being observed. Those infamous of whatever kind may be restored only by the Apostolic See alone, or by the General together with the General Definitors in the General Chapter; and while under infamy, they may nonetheless — as mentioned elsewhere — be appointed to offices of burden, entirely excepting those for which they

were condemned.* He who has been disobedient to the Conventual Prior shall fast once a week for four days on bread and water for three months, and shall publicly ask pardon of the same, and shall then be exiled from that convent for two years.

CHAPTER XXXVI

On Most Serious Fault

The more atrocious crimes are considered so alien to religious men that it is scarcely lawful even to name the punishments due to them among them; but since the enemy of the human race sometimes sows the tares of vice over the wheat of holiness, therefore: if more atrocious or criminal cases not expressed in these Constitutions occur, Superiors in inflicting punishments shall proceed in accordance with the Decrees of the sacred Canons, Apostolic Constitutions, and Councils — having regard to the persons and the circumstances of the act — and if any offense occurs for which in secular life the death penalty is usually imposed, it shall be punished by the penalty of the galleys or perpetual imprisonment.

He who commits the most abominable sin at the Devil's prompting, when convicted or having confessed, shall be perpetually deprived of the exercise of all his Orders and shall be enclosed in a monastery to perform penance. He also sins most seriously who commits voluntary homicide — whether by deliberate intent or in any other way — and shall be punished beyond the canonical penalties by perpetual imprisonment; nor may anyone dispense with him except the Supreme Pontiff. He who has so wounded someone that the person remains mutilated in some member shall be punished by imprisonment and fasting for as many years as the General — having regard to the gravity of the injury — shall see fit. And if a cleric has been wounded or mutilated, the one who wounded him shall be

absolved by the Prior General or his delegate (if the guilty person humbly requests it) with a salutary penance imposed upon him.

He who enters the monastery of nuns — except in the cases conceded by law, Apostolic Constitutions, and especially by our Most Holy Lord Gregory XIII out of necessary and urgent cause, and with the permission of the Ordinary regarding monasteries not subject to our Order — beyond the sentence of excommunication whose absolution is reserved to the Supreme Pontiff alone, shall fast on Wednesdays and Saturdays for two years and shall lack all office for two years. He who with sacrilegious presumption violates or attempts to violate a nun, or extracts her from the monastery, shall beyond the aforesaid sentence of excommunication which he damnably incurs, be perpetually deposed from the exercise of all his Orders and likewise perpetually enclosed in some monastery. He who has given the money of the monastery — or money granted to him in any way — on loan at usury shall by the law itself be deprived of any administration for ten years.

He who has forged the letters or seal of the Prior General shall be permanently infamous and incapable of any office, and shall be imprisoned for a year; from these penalties he may not be absolved except by the General himself. He who has been disobedient to the Provincial shall for a month be compelled to publicly ask his pardon, and shall then be exiled from his Province for five years and by the law itself shall for the same time lack active and passive voice — which penalties the General cannot remit; the remission belongs to the General Chapter.* If however someone has been disobedient to the Provincial for less than a month, he shall be more leniently punished by the General, having regard to the time and the contumacy; and he who has been disobedient to the General for the same time shall have the aforesaid penalty doubled by the General himself; the remission of the penalty — the same moderation of duration being applied, as has been said — may not be sought except at the General Chapter.

He who presumes to reveal the secrets of the Order shall, beyond the sentence of excommunication incurred by the very fact — from which only the General can absolve

— be perpetually exiled from the Province, having first received discipline, and shall lack both voices for five years. And if he is a cleric, he shall moreover be deprived of the clerical crown for three years. If he is a lay brother, beyond exile and discipline his patience and scapular shall be taken from him for three years. If he is an oblate or commis, he shall be expelled from the Order; and these penalties against those who reveal secrets the General alone may mitigate gradually, and only after at least a year has elapsed. By the secrets of the Order are understood all things whose revelation could bring serious harm or detriment to the Order, a Province, a convent, or any individual person.

CHAPTER XXXVII

On Judicial Proceedings

As long as we live in the flesh, it sometimes happens that we live according to the flesh; and the works of the flesh can scarcely be restrained without the application of punishment as a medicine; and therefore punitive justice is recognized as necessary.

The Conventual Prior, to whom it belongs to correct offenses of minor and serious fault, shall proceed extrajudicially to correction without any judicial process, looking only to the truth of the fact, and without any written record; and shall impose the penalty on offenders according to the Decrees of Chapters XXXIII and XXXIV. Nor may anyone from what the Prior has established for the correction or punishment of the said offenses resist or appeal — even on the pretext of grievance — to anyone whatsoever; but he shall be entirely bound to perform the imposed penance without any excuse whatsoever. Nor shall anyone, because of a penance imposed by the Prior for minor or serious fault, ever be considered infamous or unfit for office; but he shall be treated as one who has performed the imposed penance out of obedience.

If it happens that any brother is disobedient to the Prior, the Prior shall not at once treat him as incorrigible, but shall first send to him one of the seniors who may encourage him to obedience by pious exhortations, and the Prior shall wait for him in case he perhaps returns to his senses, for one day; if he has been obstinate and refuses to make satisfaction for his fault, at the end of the day his penalty shall be doubled. If however he perseveres in contumacy for four days, the Prior shall denounce him to the Provincial as guilty of more serious fault, and shall either confine him in prison until the Provincial's command, or — if the man is willing to go to the Provincial — send him with his letters.

The Prior shall not correct offenses of more serious or most serious fault; but shall as a matter of great importance report them to the Provincial; meanwhile however — if the matter seems to require an immediate remedy — he shall, by the counsel of the Discreets, imprison the offender or relegate him to the monastery, as necessity or scandal may require.

The Prior Provincial, when an offense of more serious or most serious fault has been committed, must proceed to its correction summarily — that is, with only the substantial elements of judicial procedure being observed — but must draw up a written record. In cases of more serious fault he shall pronounce sentence; in cases of most serious fault he shall proceed up to but not including the final sentence, and shall refer the entire record and the cause to be terminated by final sentence to the General.

The substantial elements of any judicial proceeding are: that no one may be proceeded against unless he has been accused, denounced, or defamed; that the absent shall be summoned; that witnesses be examined under oath; and that no one be condemned unheard unless he is contumacious. Therefore no proceeding shall be initiated at the instigation of any person unless that person takes on the role of accuser or denouncer; nor can a record or judgment be based on sealed and signed letters, unless they are written in the form of a complaint; still less on intercepted letters.

Since however something may come to the ears of a judge — either by accusation, or by

denunciation, or by inquisition when the offense is manifest but the perpetrator unknown, or by inquisition when a person labors under manifest ill repute but the offense is not clearly established: if something is brought before a judge by accusation, he shall not admit the accuser if the accuser is infamous, unless perhaps the accuser is acting in his own interest — so that one who has a beam in his own eye does not strive to remove a splinter from his brother's eye. And if anyone has knowingly concealed someone's crime during a Visitation and then wishes to accuse him, he shall not be heard; it shall be presumed that he acts from malice and he shall be punished as a perjurer. A novice shall also not be admitted as an accuser in matters not pertaining to the novitiate. Nor shall an enemy of the accused — though the determination of enmity shall not rest on his own assertion but shall be left to the judge's discretion — nor an accuser who can only say he has heard from others and cannot say it is as he asserts; nor one who cannot produce witnesses; nor one who has accused out of the spite of vengeance. One is understood to accuse out of spite of vengeance who accuses of something that does injury neither to the convent nor to the accused himself.

And so that lawsuits may be avoided, the accused shall be prohibited — before his case is concluded — from accusing his own accuser. If an accuser has once abandoned his accusation and spontaneously desisted from proceeding against the defendant, he shall be prohibited from accusing again. And if someone who is an accomplice in a crime accuses a partner with whom he committed some sin together, he shall first be punished as guilty of the fault he has confessed from his own mouth; then it shall be inquired whether what he has testified against the other is true. When someone has been accused, the Superior shall not proceed to imprisonment with a harsh spirit or some frivolity, but shall remember that the greater injury is done to an imprisoned innocent man the more distinguished his honor and the more serious the crime of which he is accused — for one imprisoned because of a crime is scarcely reduced to integrity of reputation upon release. He shall therefore first take summary information from witnesses; then — if flight is feared — he shall confine the defendant in prison; he shall reduce the witnesses'

statements to writing, then question the accused; and if he has confessed, he shall punish him. To one who denies — even if convicted by witnesses — he shall not deny defense. But unless the accused has defended himself legitimately, he shall be punished as if convicted. The accuser however, who has not proved what he alleged, shall himself suffer the penalty that the accused would have borne.

If the offense has been brought to the Superior's attention by denunciation: since the denouncer reports the offense not as to a judge but as to a father, so that the sinner may be corrected, he shall not be subject to the penalty of retaliation; but he shall only be required to name the witnesses by whom the accused may be convicted — whom the judge proceeding summarily shall examine; and if he finds the denounced guilty of the offense, he shall correct him paternally, not denying defense to the accused even though convicted by witnesses. He shall not hear a denunciation except from one of good name and reputation.

If an offense of more serious or most serious fault has been committed and its author is unknown, the judge shall not proceed unless first it has been summarily established to him that the offense was committed. When he knows this for certain, he shall examine all from whom he thinks the truth can be learned, and shall inquire of them under oath that each say what he knows to be the truth. If by the clear depositions of two of those questioned someone has been convicted, he shall be questioned; and if he has confessed, he shall be punished according to the Constitutions. But if he denies, defense shall be assigned to him; and if he does not defend himself and prove his innocence, sentence shall be pronounced against him as if convicted.

If through public ill repute the report reaches the judge's ears that someone is guilty of a crime, he shall first inquire whether the ill repute arose from malicious, suspect, or infamous persons; if this is found to be so, the defamed person shall be absolved. And if someone says that a brother is guilty of a crime, and when asked says he heard it but does not know from whom, that person shall be punished as the author of the ill repute — as

shall also happen if someone has named as the source a dead person, or one otherwise so absent that the truth cannot be inquired of him. If however the ill repute had its origin from persons worthy of credence, inquiry shall be made by examination of those who should be questioned, whether the things reported by common ill repute and brought to the judge are true. If the accused is found by the assertion of two witnesses to have committed the offense, or has confessed it from his own mouth, he shall be punished. If however against the accused, denounced, or under inquiry there are only indications, the judge shall not acquit him unless he has first purged the indications.

Indications are: an extrajudicial confession — on account of which no one can be condemned, but it shall only count as an indication; flight; ill repute; association with bad men; boasting of having committed an offense; threats by which fear has been instilled in someone; an agreement with the accuser to desist from accusation; the word of an accomplice in the crime; inconsistency, instability, and simultaneous trembling; the testimony of one witness of good repute. No one can be condemned on account of indications, nor — while they stand — acquitted; they must be purged. They are purged by contrary indications: flight by voluntary presentation; ill repute, if one formerly labored under it, is purged if it is proved that the defendant has been of good repute and blameless life for the preceding three years. Similarly, former association with bad men is purged by subsequent good association maintained for at least a year. The word of an accomplice in the crime is purged if the defendant is of good repute — especially if the accomplice labors under ill repute. An extrajudicial confession, threats, and boasting are purged if the defendant has alleged a plausible reason why he said something false. Indications that cannot be purged by contrary indications are purged by torture applied to extract the truth — which however shall not be savage, as excessive severity extorts lies through cruelty; but for the purpose of purging indications — some of which are minor and remote, some serious and proximate — the following shall be applied as torture according to the prudent judge's discretion: imprisonment, fetters, iron manacles, the withholding of food and drink, the striking with rods or discipline.

For this purpose in every convent there shall be a prison not underground but situated in a healthful place, where guilty offenders shall be kept for correction not for destruction; and those who have shown themselves cruel and brutal toward the imprisoned — depriving them of food to the point of losing their strength, falling into serious illness, or being placed in danger of death — shall henceforth be expelled from every magistracy as unworthy of any governance; and if death has resulted therefrom, they shall know themselves to be irregular. If against the accused, denounced, or under inquiry nothing has been legitimately proved but there only remains a defamation of the offense from what has been presented, canonical purgation shall be enjoined upon him — with as many compurgators of his Order as the Superior shall have deemed appropriate — so that he may purge himself of the crime of which he is defamed.

The witnesses by whom the defendant is to be convicted shall not be infamous, nor conspirators, nor those speaking from hearsay, nor inconsistent or variable in their testimony, nor singular witnesses, nor accomplices in the crime, nor novices — except in things pertaining to the novitiate. Conspirators are those who by agreement have arranged that one of them shall accuse and the rest shall be witnesses — whose testimony and accusation shall not only not be admitted, but the judge must also severely punish them as impostors. Singular witnesses are those of whom one gives testimony about one act and another about another act of the same species but done at different times. Those who are infamous are: those who as heretics or suspected of heresy have abjured; those convicted of theft; perjurers; those who have given false testimony in a criminal case; those who have remained in apostasy for a year; habitual blasphemers who have been condemned; evil-doers; those convicted of the most abominable crime; those who have violated nuns or extracted them from a monastery; those who have ever been condemned as false defamers; forgers of the letters or seal of Superiors.

Since appeal — invented as a remedy for the oppressed — tends to become the shield of wrongdoers: following in the footsteps of the sacred Council of Trent, we establish that in cases of visitation, qualification or disqualification, correction of morals, and other

criminal cases, no appeal shall be given.* If however within ten days after the sentence has been pronounced and made known, an appeal has been interposed, it shall be admitted — which appeal nevertheless shall refer the case to the Superior, but shall not impede the execution of the sentence, except in the most serious penalties such as condemnation to the galleys; in that case pending a legitimately interposed appeal the execution of the sentence shall be suspended.* And when the Superior imposes something not for the purpose of punishment but in virtue of salutary obedience, no one may appeal from the imposed obedience on any pretext whatsoever.

The order of appeal is: from the Provincial to the General; from the General to the Definitors of the future General Chapter, or to the Most Eminent Protector if present, or to the Apostolic See directly. If anyone appeals to any others, whoever they may be, he shall incur excommunication *latae sententiae* from which he cannot be absolved except by the Supreme Pontiff — as in the Constitution of the holy memory of Pope Clement VIII issued the fifteenth day of February 1593, in the third year of his Pontificate.

Secular lawyers may be consulted, if there are no experts in the Order, with the judge's permission — which the judge is bound to grant, directing that the petitioner should seek first an ecclesiastical lawyer, then a layman if no ecclesiastical one can be found. And so that the absence of a party may not impede justice, if the defendant is not present at the proceedings and after three edicts called neglects to come before the judge, proceedings may be taken against him as against a contumacious person. No appeal shall be given to contumacious persons, for appeal is not granted to the contumacious. And whoever defames anyone by means of anonymous defamatory letters, posters, lampoons, or inscriptions on a wall or in any place shall be punished by three months in prison and shall lack both voices and every office until it has been dispensed with by the General Chapter.

In imposing penalties, judges shall remember that a greater penalty is owed to an accused person than to one denounced or under inquiry; a greater one also to one convicted than

to one who has confessed; and for a recent offense than for an old one — though not for a continuing one. They shall also know that the penalties prescribed by the Constitutions — expressed by words in the past tense or by the present subjunctive — are incurred by the very fact even before the judge's sentence, as when it is said "he shall lack a voice," "he is deprived," or when there is added "by the law itself" or "by the very fact" or "by that very fact" and similar expressions — which are called constitutions *latae sententiae*. But before anyone is held as such, a judge's sentence is required declaring him guilty of the offense.

When however a penalty is expressed by a word in the future tense or in the imperative — as when it is said "the judge shall condemn," "he shall impose a penance," or "the guilty person shall be deprived" or "suspended" and similar — which are called *ferendae sententiae* constitutions — one is not understood to have incurred the prescribed penalty by the very fact, unless the judge has imposed it. And in no way shall judges impose a monetary penalty on an offending brother, since they are permitted to have nothing of their own; nor shall anyone — however heinous his crime — be expelled from the Order except in accordance with the form of the Decree of the Sacred Congregation of the Most Eminent Cardinal Interpreters of the Council of Trent, issued the twenty-first day of September 1624, concerning Apostates and Expelled Persons. And when a Superior is compelled to take action against someone for stubborn and manifest rebellion — that is, when the person refuses to perform or complete the salutary penance enjoined upon him — he shall then be condemned to the galleys perpetually or temporarily according to the gravity of the offense.

When it happens that a Provincial transfers to another place a brother who has been sentenced by him or upon whom a salutary penance has been imposed, the Provincial shall be bound to inform the Prior of that place of the sentence and the penance. Records of more serious or most serious offenses drawn up by Superiors, and sentences pronounced thereupon, as well as the acts of visitations, shall not be kept by private brothers, however many offices they may formerly have held; but in each Province an

archive or secure place shall be established in a more important convent, in which all the foregoing shall be deposited — and over the custody of which some brother of distinguished integrity and goodness appointed at the Provincial Chapter shall be placed; he shall be bound, whenever it is needed, by a written mandate of the Superiors and not otherwise, to hand over a copy of the writings entrusted to his custody, and full credence shall be given to his subscription that it is in agreement with the original. He shall swear in the hands of the General that he will faithfully keep and do what pertains to this office. This place shall have three keys: one with the Prior of the convent, one with the Procurator, and one with the same custodian of the writings or archivist.

Provincials, after the celebration of each Chapter, shall deposit in the said place the book of records formed in the preceding year and of sentences pronounced; and Judges and Commissioners appointed by the General or Provincial shall, as soon as they have discharged their office, similarly deposit the acts and proceedings before them. An authentic inventory of all the writings shall be made in some book, in which the writings deposited shall be named by the hand of the Provincial or the judge depositing them; and the custodian shall be bound to give written acknowledgment of receipt to whoever requests it. If the custodian tears up, removes, or in any way corrupts any record, or hands over a copy without mandate as aforesaid, he shall be branded with perpetual infamy, shall always lack active and passive voice, and shall incur the sentence of excommunication — the absolution being reserved to the General or his delegate.

The places in which these archives are to be established are the following: In the Province of Tuscany, the Convent of the Blessed Annunciation in Florence. In the Roman Province, the Convent of Santa Maria Nuova in Perugia. In the Province of Romagna, the Convent of the Servants in Bologna. In the Province of Lombardy, the Convent of the Servants in Milan or Reggio. In the Province of the Trevisan March, the Convent of the Servants in Padua. In the Venetian Province, the Convent of the Servants in Venice. In the Mantuan Province, the Convent of San Giorgio in Bologna. In the Province of Genoa, the Convent of the Servants in Genoa or Pavia. In the Neapolitan Province, the Convent of

Santa Maria del Parto of Mergellina in Naples. In the Province of Catalonia, the Convent of Santa Maria del Buen Suceso in Barcelona. In the Province of Narbonne, the Convent of the Blessed Annunciation in Marseille. In the Province of Sardinia, the Convent of Saint Anthony in Sassari. In the Province of Corsica, the Convent of the Blessed Annunciation in Centurio. In the Province of Germany, the Convent of Saint Joseph in Innsbruck. Beyond these there shall also be maintained in Rome, at the Convent of San Marcello, a general archive of the whole Order in which all public rights pertaining to the whole Order shall be kept, as prescribed above in Chapter XXIV; and the custodian of this archive shall be the Procurator of the Order in the Roman Curia for the time being, to whom all the contents of the archive shall be faithfully handed over by inventory by his predecessor, the same Procurator General subscribing to the said inventory.

When it happens that brothers of the Order are judged by the Office of the Most Holy Inquisition or by another forum outside the Order, the expenses incurred thereon shall be borne by the convent of which he was a son — first of all from those goods that accrued to the convent on his account.

CHAPTER XXXVIII

On Apostates

We call apostates those who are deserters of the Order and the religious life they have taken; upon whom their proper penalties are enjoined by sacred laws, so that such a detestable crime may not go unpunished. So that the occasion of apostasy and wandering may be removed from our brothers as best as possible, we first establish that whoever, after making profession, spontaneously departs from the Order with the religious habit laid aside, shall — unless he has returned to the obedience of his Superiors within three days and sought pardon from them — be immediately excommunicated. However, even if he has remained for many days, months, or years excommunicated in apostasy, if he

has afterward returned, he shall be received absolutely. When received, he shall fast twice a week on bread and water for a year, and likewise every week throughout the year shall receive public discipline; he shall lack active and passive voice; he shall hold the place of novices at table and in choir; and he shall be disqualified from any offices for ten years. If he is a priest, he shall not be admitted to hearing confessions. If he has been distinguished by any grade, he shall never enjoy the name or privileges of it. And he may not be absolved from these penalties except through two General Chapters.

If someone has remained in apostasy for many years and has led an infamous life, he shall be received into prison according to the nature of the crime. If he has procured through the favor of seculars of whatever dignity the remission of the imposed penance, by that very fact he incurs the penalty of its doubling. If anyone has fled — with the habit retained — and has not presented himself to the Provincial within ten days, or to the General within fifteen days, or to the General or to the Most Eminent Protector within one month, he shall not incur the penalty of excommunication unless he has had the intention of apostatizing from the Order — but he shall nonetheless be subject to the other penalties of apostasy by that very fact. If however anyone led by frivolity, without the intention of apostatizing — with the habit retained — has withdrawn from the obedience of the Superiors and has not presented himself to the Provincial within fifteen days or to the General within one month, even though he does not incur excommunication, he shall nonetheless be subject to the penalties of apostasy. If however he has fled on the pretext of grievance — even with the habit retained — and has not presented himself to the Provincial within fifteen days, or to the General or Protector within one month, he shall be treated in every respect as an apostate, as if he had laid aside the habit. This is so prescribed so that brothers may not take the occasion of wandering, since they can make known their grievance to the higher Superiors by letters. If there is danger of imprisonment or of some other grievance that cannot be remedied except by personally having recourse to Superiors, and there is no cause of grievance: then — permission having been sought though not obtained from the Prior — he may

within ten days approach the Provincial.

Dispensation shall be given in the General Chapter by the General Definitors alone, not by the whole Chapter. An apostate shall be received only by the General, the Provincial, and the Companion, if they are all present — the life he has led outside the Order, and the reason for which he left, having been diligently investigated. If the apostate presents himself only to the Provincial, the General being far away — or vice versa — he shall then be received into prison, and the Superior to whom he has presented himself shall inform the other along with the Companion, so that the three together — either in person or by letters — may deliberate on what is to be done; he may however be received in whatever Province.

The manner of reception shall be as follows: with the brothers assembled and prayer performed with the psalm *Miserere mei Deus*, the Prior General shall ask whether he wishes to return to the bosom of the Order and to the observance of its Rule and Constitutions; if he asserts and promises that in the future he will...

CHAPTER XXXIX

On the Observance of Order

In the Provincial Chapter the General or his Vicar shall sit first, then the Procurator General if present, in accordance with the Decree appended in Chapter XLI on the Provincial Chapter. Since very many contentions have arisen concerning precedence, the Fathers have declared the following order to be observed in explanation of the Constitution.

Masters shall hold their place after the Conventual Prior, and among themselves shall precede each other according to the date of their promotion; those promoted simultaneously shall precede each other as they did before promotion. The Bachelor of

the Convent shall follow the Masters immediately. Other Bachelors shall not precede those older than fifty years; and among themselves they shall observe the order of promotion; those promoted simultaneously shall, as before promotion, so also after, precede each other according to the time of their promotion to the Presbyterate. Priests among themselves shall observe the order of the time of their reception of the Priesthood; Deacons of the Diaconate; Subdeacons of the Subdiaconate; and those promoted simultaneously to these three Major Orders shall precede each other according to the time of their made profession; similarly those having the same time of made profession shall precede each other accordingly. However, those who are future clerics and bear the clerical crown shall, after they have made profession, precede the lay brothers. When the Priors of two convents in the same city walk together in processions, they shall hold the last and most distinguished place after the others — the Prior of the more important convent preceding between them — according to the Decree of the General Chapter of 1625. And all Priors outside their own convent shall always hold the place of their profession or grade — namely Bachelors of the Bachelorhood or Mastership they hold.

CHAPTER XL

On the Conventual Chapter

When the Conventual Chapter is assembled for deliberation on something, the chapter pertaining to the matter to be dealt with shall first be read. The Prior shall commend to the prayers of the brothers also the Procurator of the Order, beyond the Most Eminent Protector. If no one remains elected for some office, the Prior shall provide until the Visitation, at which time in the presence of the Visitors someone shall again be proposed in the customary manner; if no one remains elected, the Provincial shall provide.

When anything is to be discussed among the Discreet Fathers, they shall be bound to be present at the Prior's command if they are then present in the same convent and are not

impeded by some serious business approved by the Prior; otherwise, if they have been negligent, they shall be removed from the number of Discreet Fathers by the Provincial. And so that all occasion of canvassing for offices may be forestalled, all shall guard against the direct or indirect soliciting of votes or favors — both for themselves and for others — in local Chapters, and in all others, especially the general Chapters or Congregations, or elsewhere. Whoever does otherwise, beyond the other penalties and censures hitherto inflicted against those who canvass in this way — which we wish to remain in force — shall incur the penalty of deprivation of the offices they hold by that very fact, and shall be considered equally disqualified for future ones; with whom no one may dispense except the Roman Pontiff; and according to the quality of their faults they shall also be punished more severely — and these penalties shall extend also to accomplices and to those who simply know and do not report — and this shall also apply in the Provincial Chapter.

CHAPTER XLI

On the Provincial Chapter

The Provincial Chapter shall be announced to the voters three months before, within which time period causes shall be concluded; if they could not be concluded, a voter against whom a cause has been begun but not concluded shall not leave the place of the Chapter but shall have a voice with the others — provided first it has been established to the General or his Vicar that the cause was not concluded, and that this has been approved by him as legitimate. The Procurator of the Order and Regents shall have a voice either in their own Province or in the one in which they reside. Master Definitors shall not be elected if they have served in the same office at the preceding Chapter — this however being understood if there are other Masters who can be Definitors; and if Masters are lacking in that Province, Bachelors can also be elected in place of Masters. Masters of Novices and young professed, and also Confessors of nuns and Curates — that is, those

performing the office of parish priest — shall be elected at the Provincial Chapter; and moreover at least three Examiners from the more learned, who shall diligently examine together those to be admitted to preaching the Word of God, or to hearing confessions even of the brothers themselves, and public Lecturers — before they are approved and admitted to such ministries; it shall also be their function to examine and approve, both regarding doctrine and morals, those to be promoted to any Orders whatsoever.

Nor shall it be permitted to reserve the election of any Prior or Master of Novices in the Provincial's breast, except with the consent of the Definitors. Officials who have been elected in absentia shall make the profession of faith as soon as possible in the hands of the Provincial or another deputed for this, before they enter upon their office.

From a convent where there are at least twelve professed voters, two Discreets may be elected and sent at public expense to the Chapter; where there are fewer than twelve but more than four, so that there are four voters, one Discreet only may be sent. The election of Discreets shall take place within eight days immediately before the Chapter, or within sixteen days in Provinces that are more extensive — during which time no transfer of brothers may be made by the Provincial. Superiors may not deprive anyone of his voice near the time of the Chapter, unless the cause has been concluded by a definitive sentence three months before the preceding Provincial Chapter, provided no new case has arisen within that time for which such deprivation is lawfully owed.

At the Provincial Chapter, a General Definitor shall always be elected every three years — even if no General Chapter is to be celebrated — unless it is to be every six years in accordance with the Constitution of Pope Paul V of happy memory, and the confirmation of our Most Holy Lord Pope Urban VIII, as mentioned below. The place of the Chapter shall be chosen by the Provincial with however the General's consent. Vicar Priors shall not have a voice in the Provincial Chapter, unless they were appointed at the outset on account of a vacancy arising for any cause — the possession of the Priorate having been obtained or not — and that only within a month from the day of the said election.

All the Priors of the Province's convents, if they remain alone in any place, shall not go to the Chapter unless they have first arranged for some priest to celebrate there, lest the church be deprived of the sacrifice. If it is established that someone has done otherwise, not only shall he have no voice at that Chapter, but he shall lack both voices and the office he holds for two years. Provincial Definitors may carry out their office outside the Chapter when necessity requires, up to the following year; they shall not however hold the place of precedence outside the Chapter itself. A General Definitor who cannot serve — because he served in the same office at the preceding General Chapter — shall be so understood that he must actually have had a voice and cast his vote in the said General Chapter.

If the Provincial Chapter falls on a feast day, the Mass for the Dead shall be deferred to the next unimpeded day, in accordance with the Decree of the General Chapter of 1625. The election of the Prior Provincial, the Companion, and the General Definitor shall be for three years. Priors in non-collegiate convents may then be extended if it has been established to the Discreet Fathers — for them to recognize and approve — that there has been a signal benefit from them. The Provincial in the Visitation of the Convents of San Marcello in Rome and of Santa Maria of Mergellina in Naples shall dare to determine nothing regarding the Priors only without consulting the General, from whom he shall await the deliberation. The Syndic may not be elected as a Discreet, nor the Procurator. The election of Discreets shall be announced three days beforehand; for which election the Prior shall always convene the Chapter of the convent at the appointed time and propose the election of Discreets to it.

CHAPTER XLII

On the General Chapter

The General Chapter shall be celebrated every six years, in accordance with the

Constitution of the holy memory of Pope Paul V dated the sixteenth day of May 1619 in the fourteenth year of his Pontificate, and of Urban VIII dated the nineteenth of December 1633 — at the time and place established by the Prior General; it shall be announced by patent letters sent by the same General to all the Provinces ten months before, unless necessity otherwise demands; and no Provincial Chapter may be celebrated simultaneously with it, unless again necessity so requires.

The chapter on the qualities and requirements for one who is to be elected shall be read. No exception against one to be elected General or Procurator of the Order shall be admitted unless a cause has been introduced three months before before the Order's Protector if present, or before the Apostolic See; or unless the proofs of the exceptions are so at hand that the cause can be terminated within one day by the General Definitors. The same shall take place at the Provincial Chapter regarding exceptions against Provincials to be elected in that Chapter — before the General or his Vicar — and also against Priors likewise to be elected in that Chapter before the Provincial.

The General shall not be able to deny voters with passive voice the faculty of going to the General Chapter. Since the three Provinces of Narbonne, Corsica, and Sardinia, together with Tyrol and Bohemia, would be excessively fatigued if each individually sent three brothers — given the small number of their convents and the great distance of travel (for the Province of Spain has been reckoned among the major Provinces, though with seniority reserved to the Province of Narbonne) — it will suffice if each of them at public expense sends one voter in its own name, who shall be the Provincial or the Companion, or another with authentic mandate of the Province — and no other shall be received or regarded as a voter. And to avoid the occasion of contentions, at one General Chapter the voter of Corsica shall have a voice, at the next that of Sardinia — and Tyrol and Bohemia shall observe the same order.

Voters with passive voice may freely go to the General Chapter, having first consulted the General — who however may not deny the permission. The General shall lay down his

office in the hands of the first Definitor — that is, the one who holds the place in the successive order of Provinces — even if the one who is first called happens to be absent.

Those presented for the grade of General shall be proposed in the order of the Provinces of which they are sons, the order of promotion to the Mastership being observed among them; and the absent shall also be proposed. If an absent person is elected, the first Definitor shall hold the place and office until the arrival of the elected one. Those presented for the office of Procurator of the Order shall likewise be proposed — also absent — in the same order as above. If the absent person elected as General Procurator, and also the elected General, is absent, the first Definitor shall appoint someone to carry out the duties of the office until the arrival of the elected one — such that a procuratorial mandate (which must also in such a case be made, in the elected person's absence, or at least the consent of the voters to the same mandate to be made at the appropriate time must be provided in the hands of a public notary) shall be understood to be valid even if the voters have departed before the arrival of the elected person.

CHAPTER XLIII

On the Constitutions

We decree that all decrees hitherto issued in our Order and not inserted in the Constitutions shall be understood to be abolished and void. And since doubt may arise whether these Constitutions, in their commands, bind transgressors to mortal sin, all shall know that they do not bind transgressors to mortal sin if contempt is absent and the transgression has not passed into habit — and this only unless what is commanded contains something pertaining to the precepts of God and the Church, or to the observance of the three vows. And since not everywhere is a penalty assigned to transgressors, Superiors shall be bound to impose one according to the degree of the fault.

ANNOTATIONS ON EACH CHAPTER OF THE CONSTITUTIONS OF THE ORDER OF SERVANTS

Drawn from the Bulls and Constitutions of the Roman Pontiffs, from the Decrees of the Congregations of the Cardinals of the Holy Roman Church, from the Decrees of the Cardinal Protectors of our Order, and from the Decrees of the General Chapters

ON CHAPTER I

On the Reverences to the Blessed Virgin Mary

1. *"Since the Order of Servants wages its service to God under the special protection of the Blessed Virgin Mary," etc., p. 1.* At the General Diet held at Reggio Emilia on the thirtieth of May 1660, it was decreed in the third article that in our churches there shall be an image of the Blessed Virgin Mary with seven swords in her breast as a symbol of her seven sorrows. *(Annals, vol. 3, p. 238.)*

2. *"In whatever church of our Order there may be, let there be a chapel or altar dedicated in honor of the same Blessed Virgin," ibid.* Long since — on the ninth of August 1692 — the Blessed Virgin of the Seven Sorrows was declared by Innocent XII to be the titular Patron of our Order. Benedict XIII, approving the proper lessons for the Seven Blessed Founders of our Order, declared her also the Foundress of the same Order; and he wished the altars in our churches

dedicated to her — whether already dedicated or to be dedicated in future — to enjoy the perpetual daily privilege, even if another privileged altar is found in those same churches. This same declaration was successively confirmed by His Holiness Clement XII, Protector of the Order, from the audience of the same Most Holy Father held on the nineteenth of December 1738, by the Most Eminent Cardinal Pico, Prefect of the Sacred Congregation on Indulgences.

ON CHAPTER II

On the Divine Office

1. *"Matins in all convents after midnight," etc., p. 2.* By decree of the General Chapter of 1646, it was established that Matins shall always be sung on the more solemn feast days, and on other days shall be recited aloud. *(Annals, vol. 3, p. 91.)*

2. *"And also of the holy Patrons of the place," p. 3.* Beyond the commemorations enumerated in that chapter, it was established in the same General Chapter that a commemoration of the Patron of the church shall also be made. This is also found in the Bull of Urban VIII, *Sacrosancti Apostolatus*, though it had been omitted from our Constitutions. A commemoration of the Seven Blessed Founders of our Order must also be made, by indult of our Most Holy Lord Pope Benedict XIII, dated the eleventh of March 1727.

3. *"A double feast with an Octave shall be observed on the Purification," etc., ibid.* Which feasts are to be celebrated in the churches of our Order, and with what rite the Offices are to be performed, is clear from the Book of Offices of the Order; from which also the Offices to be celebrated in individual months or during the year become known.

4. *"Those going to the altar to celebrate shall walk with dignity," etc., ibid.* At the General Chapter of 1690 we read the following decree: *Priors who permit priests to perform sacred rites without the scapular, or to approach the altar with the biretta but without the amice, or to use a short tunic — that is, the traveling tunic — during sacred functions, shall lack both voices at the next Provincial Chapter. (Annals, vol. 3, p. 352.)*

5. *"Brothers about to receive the blessing outside the choir, as happens in many places, shall turn toward the worthier or more senior person," p. 5.* At the General Chapter of 1646 it was thus decreed: after Compline, brothers outside the choir shall receive the blessing from the worthier or more senior person (if the Prior is absent) — even with a Vicar present. In the choir however, in accordance with the Bull of Urban VIII *Sacrosancti*, etc., they shall receive the blessing, in the Prior's absence, from the Vicar if he is present; otherwise from the worthier or more senior person.

6. *"And this shall also be kept daily for another half hour after Matins," ibid.* In 1692, by command of the Supreme Pontiff Innocent XII, Father Master Poggius the General, by circular letters sent to the whole Order, commanded the observance of the decree of Innocent XI regarding the performance of spiritual exercises for ten continuous days by all religious. *(Annals, vol. 3, p. 361.)* Likewise at the General Chapter of 1714, it was decreed that the custom already introduced in the Order of performing spiritual exercises for eight days shall be observed in perpetuity; and Father Master Castellio the General, elected at that same Chapter, commanded all Priors that on the occasion of the Visitation they hand to the Provincial an attestation of the said exercises having been performed in that year, to be forwarded to the General. *(Annals, Vol. 3, pp. 564, 566)*

ON CHAPTER III

On Suffrages for the Dead

1. *"These suffrages shall also be offered for," etc., p. 6.* There exists a decree of the General Chapter of 1646 commanding that suffrages also be offered for the Sisters and Nuns of our Order. *(Annals, vol. 3, p. 91.)* This was again emphasized at the General Diet of 1660, with penalties established against negligent Priors to be inflicted by the Visitors, including even deprivation of office itself. *(Annals, vol. 3, p. 239.)*

(*Chapter IV has No Annotations*)

ON CHAPTER V

On Confession and Communion

1. *"They shall confess and receive the Eucharist," etc., p. 9.* By a most recent decree of the Sacred Congregation of Bishops and Regulars of the year 1766, this is also to be done by our clerics and lay brothers on: the Friday after Passion Sunday; the Solemnity of the Seven Sorrows of the Blessed Virgin Mary; the feasts of the Circumcision of our Lord Jesus Christ and of the Most Holy Trinity; the feasts of the Seven Blessed Founders of our Order, of Saint Peregrine Laziosi, and of Saint Juliana Falconieri; and likewise the feasts of the Blessed Joachim, James Philip Bertoni, Francis Patrizi, and John Angelo Porro.

2. *"In every house ... confessors shall be appointed who are from among those approved by the General," p. 10.* It was asked whether Provincials can also approve confessors for hearing the confessions of brothers in their own Provinces. It was answered at the General Chapter of 1720 that Provincials can also approve confessors for our religious in their own Provinces. *(Annals, vol. 3, p. 669.)*

3. *"The revelation of the secrets of the Order," ibid.* This case in this chapter is reserved to the Provincial; but in Chapter XXXVI of the Constitutions it pertains to most serious fault, and to the General alone is given the faculty of absolving. How then are these two provisions to be understood? The law in Chapter V speaks of revelation in the forum of conscience — and then the faculty of absolving belongs to the Provincial. But in Chapter XXXVI the law speaks of the external forum, that is when the matter has been brought before a contentious court — and then absolution is reserved to the General alone. This was indeed declared in the same General Chapter, as found in the Annals. (*Annals, Vol. 3, p. 689.)*

4. *"These reservations notwithstanding, the Prior General, Provincial, and Conventual Prior may also reserve other cases to themselves," ibid.* At the General Chapter of 1646 it was established that the reservation of cases shall be made entirely in accordance with the decree of Clement VIII, so that beyond the cases expressly listed in the Constitution itself, no others may

be reserved. *(Annals, vol. 3, p. 91.)*

5. At the General Chapter of 1720 it was asked whether the faculty of absolving from reserved cases — which is customarily given actively and passively for one occasion only at Chapters and Visitations — is restricted to sins committed before the granting of the faculty, or extends to those committed after the grant, and whether it always endures. It was answered that one must abide by the intention of the one granting it, which he should express. *(Annals, vol. 3, p. 689.)*

ON CHAPTER VI

On the Reception of Candidates

1. *"Those who have professed in an Order of equal or less strict observance shall not be received," p. 11.* At the General Chapter of 1690 it had been decreed that those who have professed in another religious order could not even be received by the General himself without the consent of the Provincial Chapter. *(Annals, vol. 3, p. 353.)* But at the General Assembly of 1750 it was established that those who have professed in another religious order are not to be admitted to the Order without the consent of the General Chapter; and the same decree was confirmed at the General Chapter of 1756.

2. *"When the candidate has not been born in the place where he is to be received, the consent of the Chapter of the place where he was born shall be required," etc., p. 12.* At the General Chapter of 1690 it was thus established: it was agreed to extend the aforesaid sixth chapter of our Constitutions — namely that any candidate to be received for the habit shall have the consent of the Fathers of the convent of the city or place where he was born, or of the nearest convent if there is no convent in the place where he was born. *(Annals, vol. 3, p. 353.)*

3. *"Those to be received as clerics under sixteen years of age shall compose themes in Latin fluently ... of which competence the test shall be made by the General," ibid.* There exists a decree of Alexander VIII dated 27 May 1655, containing several provisions both regarding the examination of those to be received and the proper formation of the same in the novitiate.

4. *"Nothing whatsoever ... under any pretext ... may be received by the monastery from his goods," p. 13.* On this matter the following is precisely prescribed in the decrees of the General Assembly of 1714 approved by the Sacred Congregation: *The Sacred Congregation expressly commands that at the acceptance, introduction, and profession of novices — whether clerics or laybrothers — no gift or recognition of any kind may be received by the Priors, Masters of Novices, Provincials, or any other Superior, even the General, under the penalties mentioned above — which are: deprivation of dignities and offices, incapacity for the same, and others at the discretion of the Sacred Congregation.(Annals, vol. 3, p. 565.)*

ON CHAPTER VII

On Novices

1. *"Let a Master be placed over the novices who is himself of unblemished life, of mature age, and above all a zealot for the religious life," p. 13.* The Master of Novices cannot be publicly corrected in the presence or to the face of the novices by the Conventual Prior; he may be present among the Discreet Fathers of that convent while exercising his office; if he has exercised his office well and laudably for ten years, he shall have a voice at the Provincial Chapter even if he is not a Master in Theology. These provisions come from the decree of the General Diet of 1660. *(Annals, vol. 3, p. 239.)* But the Sacred Congregation of Bishops and Regulars, by the petition of Father Master Cavalli the General, on the eleventh of March 1723, granted that one who — being a Master in Sacred Theology — has laudably exercised the office of Master of Novices for ten years shall be incorporated among the Fathers of the Province as if he had lectured or preached theology for the same number of years; if he was already reckoned among the Fathers of the Province, he shall moreover enjoy the title and prerogatives of former Provincials as if he had truly been a Provincial. Finally if he is not a Master in Sacred Theology, he shall be distinguished with the title of Reverend and shall enjoy the right of casting his vote at Provincial Chapters. *(Annals, vol. 3, p. 719.)*

2. *"In each Province one or more Novitiates shall be established ... to which all novices of that Province shall be sent," p. 14.* Thus it is wisely decreed in the General Diet of 1660: novices

shall never be sent to the novitiate without being accompanied by some brother. *(Annals, vol. 3, p. 239.)*

ON CHAPTER VIII

On the Manner of Profession

1. *"When the time of profession arrives," p. 15.* The General Chapter of 1646 ordered the following procedure to be followed in advancing novices to profession after they have completed their year of probation: the novice, having completed the time of probation, shall be proposed to the whole Chapter of the convent where he has remained in the novitiate, in accordance with the decree of Clement VIII. The consent of the Prior and Fathers of the convent of filiation shall however also be obtained. *(Annals, vol. 3, p. 21.)*

2. *"The Prior who received the novice is bound to inquire whether any impediment exists," p. 15.* It was asked at the General Chapter of 1720 whether the Conventual Superior may expel a novice from the Order without the consent of the Discreet Fathers during the year of the novitiate; and it was answered that he cannot do so without the counsel of the Discreets and without the approval of the Provincial, who must take cognizance of the cause of expulsion. *(Annals, vol. 3, p. 689.)*

3. *"This book shall be preserved and kept in the Archive," etc., p. 16.* In cases concerning the nullity of regular Profession, the Constitution of Benedict XIV, *Si datam hominibus*, etc., of the fourth of March 1748, shall be kept before one's eyes.

4. *"In convents ... to be shortly designated in each Province," p. 17.* The places designated for Novitiates in each Province were designated by Innocent X on the seventeenth of August 1647. *(Annals, vol. 3, pp. 95–96.)*

5. *"There shall be a Professed House, which is also called the second novitiate," p. 18.* The places designated for the Professed House were likewise designated by Alexander VII on the twenty-seventh of May 1655. *(Annals, vol. 3, p. 217.)*

6. *"The recently professed shall be transferred there and shall remain until they have completed their nineteenth year," etc., ibid.* By the Bull of Clement VIII, *Cum ad Regularem disciplinam*, of March 1603, the professed must remain in the second novitiate until they have reached the age sufficient for the reception of Holy Orders, or at least for three years after profession. This was confirmed by the decree of Alexander VII of 27 May 1655. *(Annals, vol. 3, p. 219.)* In the decrees issued by General Castellio in 1714 by order of the Sacred Congregation for regular discipline, it is prescribed that the young professed are not to be removed from the Professed House at least until the Subdiaconate; and these decrees are to be read at the command of the same General every Friday at the public table. *(Annals, vol. 3, pp. 565-566)*

7. That young professed shall not be removed from the convents in which the novitiate or professed house is located until the twenty-first year of their age without first consulting the General — it was decreed at the General Chapter of 1690; and the same Chapter further decrees that provision shall be made for them regarding suitable teachers for their literary education, to be hired with an allowance in kind assessed by the Provincial Chapter. *(Annals, vol. 3, p. 352.)*

8. *"And so that monasteries may not be burdened with expenses," p. 18.* It was decreed at the General Assembly of 1690 that if the revenues of the convents are not sufficient to support the young men, then subsidies shall be decreed at the Provincial Chapter by which the Professed House in said convents may be instituted and maintained. *(Annals, vol. 3, p. 352.)*

ON CHAPTER IX

On the Adoption of Sons

1. *"No professed member … shall be adopted as a son of another convent," p. 21.* At the General Chapter of 1646 it was thus established: in the adoption of persons as sons of any convent, the consent of the vocal sons of that convent shall be had — and clerics not constituted in Holy Orders and lay brothers shall be excluded from casting votes. *(Annals, vol. 3, p. 91.)*

ON CHAPTER X

On Lay Brothers

1. *"The Order needs brothers received for service, who are called lay brothers," p. 22.* At the General Diet of 1660 it was established that lay brothers may not be admitted unless they have first been exercised in the more menial offices of the monastery; and they are forbidden — under penalties at the discretion of the Prior and Provincial — to wear the biretta in public places unless they have exceeded forty years of age. *(Annals, vol. 3, p. 239.)*

2. *"One who was received as a layman ... shall never be capable of being promoted to Holy Orders," ibid.* By decree of the General Chapter of 1646, it is declared that any lay brother promoted to Holy Orders without explicit permission of the Apostolic See is ipso jure suspended. *(Annals, vol. 3, p. 91.)*

ON CHAPTER XI

On Promotion to Holy Orders

1. *"The testimony of uprightness and sufficiency under oath shall be given by the Prior," etc., p. 23.* By decree of the General Chapter of 1756, attestations of life and morals for those to be promoted either to Orders or to grades of the Order are made by secret ballot of the Discreet Fathers and the other Fathers who are members of the household — students excepted. And by the same procedure the election of the officials of the convent is reserved to the Discreet Fathers and the other Fathers of the household — students likewise excepted.

2. *"No one shall dare receive an Order ... from any bishop other than his own," etc., p. 24.* On this matter the Constitution of Benedict XIV, *Impositi nobis*, etc., of the twenty-seventh of February 1747, is to be consulted.

ON CHAPTER XII

On Confessors

1. *"None shall be admitted to hear confessions ... unless they are well versed in cases of conscience," p. 25.* Whoever wishes to be admitted to hear the confessions of seculars must, by decree of the General Diet of 1660, present the sworn attestation of the Provincial and of the Provincial Examiner as to his sufficiency. *(Annals, vol. 3, p. 239.)*

2. *"At which all — excepting Theologians — shall be bound and must be present," ibid.* The word "Theologians" first crept into the text of the Constitutions in 1580. It is perhaps to be understood of those who either teach theology at some public university, or serve as theologians in counsel to princes or ecclesiastical prelates. Indeed at the General Chapter of 1690 it was established that henceforth no one shall be called a Theologian unless he either actually professes theology at some public university, or receives a stipend for actually serving princes. *(Annals, vol. 3, p. 354.)*

ON CHAPTER XIII

On Students

1. *Many things for the benefit and progress of our studies have been decreed at various times from 1643 to the present — in General Chapters, by authority of the Roman Pontiff, by Cardinal Protectors, and by Priors General. (Annals, vol. 3, pp. 143, 269, 308, 481, 564, 565, 602, 655.)*

2. *By command of Innocent XI, General Soggia directed that individual students and other suitable persons in the principal convents should arrange to learn Chaldean, Hebrew, and Greek — or at least one of them — with experts engaged for this purpose from outside if none from our own Order were available, at the expense of the whole Province. (Annals, vol. 3, p. 319.)*

3. *The office of Master of Studies has been replaced since 1756 by those now called Second Lecturers.*

4. *At the General Chapter of 1762 it was decreed that Regents who wish to preach during Lent must arrange for another to supply their place in scholastic exercises during that time. The privileges of Regents are: (1) Regents of major studies — and those who have served in that*

office for six years — are granted a lay brother as servant, who is however not entirely exempt from public service and may not be removed without consulting the General; (2) those who have professed the faculty of theology — whether in one of our Order's studies or at a public university — are incorporated among the Fathers of the Province; and if they do so for twelve years, they acquire the same privileges as former Provincials. (From decrees of the General Chapter of 1678, Annals, vol. 3, pp. 307, 353.)

ON CHAPTER XIV

On Promotion to Academic Degrees

1. *The Sacred Congregation of Bishops and Regulars granted the faculty of promoting Bachelors to the Mastership at age thirty; and the General Chapter of 1732 so defined it. This custom still prevails today.*

2. *By indult of Clement IX, students may be promoted to degrees even during Visitations, provided a major study flourishes in the convent. The General Chapter of 1690 granted perpetual Definitors and serving or former Regents the right to take part in promotion proceedings. (Annals, vol. 3, p. 353.)*

3. *The situation has now changed. By a concession of the Sacred Congregation of 1666, and likewise by the Bull of Clement IX of 1669, the General may promote candidates to the Mastership — at Provincial Chapters, at General Diets (now abolished by decree of the 1756 General Chapter), and during Visitations — without requiring the promoted to attend a public university. (Annals, vol. 3, p. 271.)*

4. *Regarding the Collegians of San Marcello in Rome, see the Bull of Clement IX Militantis Ecclesiae in the Annals. The General Chapter of 1708 further decreed that beyond the other evidence of progress required in the Apostolic Brief, candidates must undergo a rigorous examination in their final year of study before being admitted to the recitation of unexpectedly assigned points. (Annals, vol. 3, p. 481.)*

ON CHAPTER XV

On Preachers

1. *The General Diet of 1666 established that in every church of our Order a Preacher of the Word of God shall be assigned for the annual season and for Advent; gave Provincials the faculty of designating preachers at their prudential discretion for convents not previously accustomed to having preaching; authorized the setting of stipends and alms with the consent of the Fathers; and declared that preachers exercising their function outside their household convent are nonetheless to receive their clothing allowance from that convent. (Annals, vol. 3, p. 239.)*

ON CHAPTERS XVI AND XVII

Nothing.

ON CHAPTER XVIII

On Fasting

1. *On the proposal of General Arrigheto, the Provincial Assemblies of 1689 decreed that the regular fast shall be strictly observed on the Saturday immediately preceding the third Sunday of September, on which the feast of the Seven Sorrows of the Blessed Virgin Mary falls for us — confirmed by the General Chapter of 1690. (Annals, vol. 3, p. 345.) The General Chapter of 1732 further added the fast on the Vigil of the Seven Blessed Founders of our Order, to be diligently observed even if those final days fall during Carnival.*

ON CHAPTER XIX

On Clothing

1. *In the Constitutions printed in 1569 under General Faldosio, and in those printed under General Tavantius in 1580, and in those of 1616, the text read: "shoes shall be respectable and black" — now changed to white or leather only.*

2. *By decree of the General Chapter of 1690, Priors who neglect to correct their subjects for not wearing uniformly religious caps, or for carrying silken birettas, gloves, cloaks in the city, or anything gold or silver on their clothing, shall lose their voice at the next Provincial Chapter. (Annals, vol. 3, p. 352.)*

ON CHAPTER XX

Nothing.

ON CHAPTER XXI

On Enclosure and Cells

1. *The Constitution of Benedict XIV, Regularis disciplinae, dated 3 January 1742, is to be consulted.*

2. *The Sacred Congregation of Bishops and Regulars on 26 June 1676 prohibited — under pain of loss of both voices — receiving within the enclosure persons contumaciously evading justice in criminal cases. (Annals, vol. 3, p. 293.)*

3. *Priors are forbidden to permit comedies or vain theatrical performances in convents, under pain of loss of both voices, by the General Diet of 1660. (Annals, vol. 3, p. 240.)*

ON CHAPTER XXII

On Travelers

1. *It belongs to the Provincial alone to remove a brother from any convent; this is entirely forbidden to Priors under pain of loss of office. So decreed at the General Diet of 1660. (Annals, vol. 3, p. 239.)*

2. *A brother who — having been ordered by his Superior to move to another convent or conversely to remain — delays and does not promptly obey (illness aside), and seeks to use intermediaries, shall by that very fact lose active and passive voice for five years without further declaration. From a decree of Cardinal Sacchetti, Protector, 13 June 1643. (Annals, vol. 3, p. 71.)*

3. *Travelers found without at least a small hood shall lose both voices, by the General Diet of 1660. (Annals, vol. 3, p. 71.)*

4. *One who is outside Italy and goes to Rome under any pretext and wishes to conduct his affairs there secretly without consulting the Procurator General shall incur loss of both voices by the very fact, from which he cannot be freed except by the General Chapter. And one who plots there against the Order shall be sentenced to a year in prison, with other penalties at discretion. From the General Chapter of 1646. (Annals, vol. 3, p. 91.)*

ON CHAPTER XXIII

On the Sick

1. *The Prior — both by the decree of Clement VIII and by the General Chapter of 1646 — may not grant any sick brother permission to go to the homes of seculars, even relatives. (Annals, vol. 3, p. 91.)*

2. *From the General Chapter of 1720: Preachers are also excepted from the general rule — if they fall sick while traveling, expenses shall be borne by the convent of which they are a member*

of the household at the time; if they fall sick in the convent whose church they are actually preaching in, or in another church of the same locality, expenses shall be borne by the convent in which they have been considered household members from the day of their first arrival there. (Annals, vol. 3, p. 689.)

***3.** The General Chapter of 1720 declared that the words "goods assigned to him for use" in Chapter XXIII are to be understood to include: clothing of any kind and other non-precious things (but not his personal furnishings), which shall go to the convent where he died; and that precious things and personal furnishings shall belong to the convent of filiation — to which also belong whatever for-use goods he had but did not have with him at the time of death. (Annals, vol. 3, p. 689.)*

***4.** If a brother dies burdened with debts, the convent of his filiation shall pay the debts from his remaining revenues or money. From the General Chapter of 1646. (Annals, vol. 3, p. 92.)*

ON CHAPTER XXIV

On the Administration of Goods

***1.** On the prohibition against holding immovable goods, see the wise decree of the Sacred Congregation for regular discipline of 19 July 1707. (Annals, vol. 3, p. 472.)*

***2.** On the real deposit to be made by every religious of the Order of any money coming to him in any way, there exist decrees of the General Chapter of 1678 fully explaining the method and manner to be observed. (Annals, vol. 3, pp. 307, 311.) See also the directives of Clement XI (Annals, vol. 3, p. 441) and the decrees issued by General Castellio at the General Chapter of 1714 with the approval of the Sacred Congregation for regular discipline. (Annals, vol. 3, p. 560.)*

***3.** The General Diet of 1660 decreed that all brothers during a Visitation shall surrender to the Visitors whatever they possess for use, and shall make their renunciation of property in writing each year, signed and sealed, to be kept in the public deposit. Confirmed by the General Chapter*

of 1678. (Annals, vol. 3, pp. 239, 312.)

4. *On the setting of household size so that expenditure does not exceed income, see the Bull of Innocent X, Inter caetera, of 17 December 1649.*

5. *A historian or annalist of the Order has repeatedly been designated at General Chapters to preserve the memory of the deeds done in our Order — see the decrees of the General Chapters of 1646, the General Diet of 1668, and General Chapters 1714 and 1762.*

6. *On the archive, there exists the Constitution of Benedict XIII, Maxima vigilantia, of 14 June 1727.*

ON CHAPTER XXV

On the Prior General

1. *The conditional clause "unless the General Chapter shall judge otherwise" was decreed to be entirely removed at the General Chapter of 1678, because by virtue of that clause the Chapter could elect as General a man possessing none of the qualities required. (Annals, vol. 3, p. 308.)*

2. *How the General is to be received on his first arrival at any convent is prescribed by the General Diet of 1660 and clearly set out in our Ritual.*

3. *By decree of the General Chapter of 1714 the General is prohibited from exacting anything for himself for the patent letters he dispatches. (Annals, vol. 3, p. 566.)*

4. *The same Chapter of 1714 provided that if the customary assessments prove insufficient for the General's necessary expenses, the Order may and must make up the difference.*

5. *A former General is owed precedence outside the General Chapter over the Procurator General, by decisions of the Sacred Congregation of Bishops and Regulars of 25 January and 21 March 1686. (Annals, vol. 3, p. 689.) A lay brother entirely exempt from public service is also to be assigned to former Generals, by decree of Benedict XIV in 1748.*

6. *By decree of the General Chapter of 1646: the successor is bound to convoke the General Chapter to be celebrated on the Vigil of Pentecost if the General died more than six months before; if less, it must be deferred to the Vigil of Pentecost of the following year. (Annals, vol. 3, p. 92.)*

ON CHAPTER XXVI

On the Procurator of the Order

1. *The Procurator General must render an account of expenses in the same way as the General. The privileges of former Procurators are: they are not subject to public correction by the Prior; they precede all other Masters who have not held that office; they precede all Provincials outside their own Provinces (but not within their own Province); a lay brother is to be assigned to them and may not be removed by Provincials without consulting the General. (From several General Chapters, Annals, vol. 3, pp. 92, 213, 307, 353.)*

ON CHAPTER XXVII

On the Provincial

1. *It was asked whether the Provincial can take judicial action against his own Province's Companion, and whether he can judicially decide other causes without consulting the Companion. The General Chapter of 1708 answered affirmatively on both counts. (Annals, vol. 3, p. 481.)*

2. *The apparent contradiction between the wording of Chapter XXVIII (which says the Pro-companion shall be the "second Definitor not a Master") and Chapter XXVII (which says the "first Definitor not a Master") repeatedly caused disputes — even referred to the University of Pisa. Finally resolved at the General Chapter of 1720: Chapter XXVII covers the case of the elected Provincial Companion dying, in which case the first non-Master Definitor succeeds; Chapter XXVIII covers the case of the Pro-companion to the Provincial Rector appointed by law,*

in which case the second non-Master Definitor succeeds. (Annals, vol. 3, p. 690.)

3. *Privileges of former Provincials, briefly: they are perpetual Definitors and Fathers of the Province; each may enter one year's Definitory according to the date he held office, having a voice and casting votes; they are not subject to public correction by Priors (provided they do not publicly and without provocation insult the Prior); they precede all Masters who have not held the Provincialate. Former Provincials have repeatedly had recourse to the Sacred Congregation on the precedence question but nothing has been definitively resolved. A suitable lay brother — not entirely exempt from public service — is assigned to them. (Annals, vol. 3, multiple pages, and decrees of the General Chapter of 1756.)*

ON CHAPTER XXVIII

On the Companion

1. *Since the title "Companion" seems inadequately to express the nature of the office, the Fathers at the General Diet of 1660 decreed that it be changed to "Consultor." (Annals, vol. 3, p. 240.)*

2. *The same Diet decreed that no one may be elected Consultor unless he has for some years exercised the office of Confessor for seculars.*

3. *For the death of the Companion, see the note on the preceding chapter.*

ON CHAPTER XXIX

On the Conventual Prior

1. *A Prior who has been absent from his convent on repeated occasions beyond a month, or for another notable period in the year, without his Provincial's permission, shall be punished with deprivation of office. From the General Chapter of 1690. (Annals, vol. 3, p. 354.)*

2. *The Sacred Congregation for regular discipline commands that in every convent the Prior*

shall designate a priest who at least once a week instructs both lay brothers and servants in the doctrine of the faith and salvation; and instructs lay brothers — whether professed or not yet professed — in the regular institute, especially regarding the vow of poverty. Penalties are prescribed for the Prior who does not oversee this, for the designated priest who does not fulfill it, and for lay brothers who negligently absent themselves without just cause. From decrees of 15 March 1753 and 30 September 1765.

3. *Priors are forbidden to involve themselves in any particular office under pain of deprivation of their Priorate, by decree of the General Diet of 1660. (Annals, vol. 3, p. 240.)*

4. *If a Prior on a building project or for any other matter exceeds the value of two gold pieces without the license of the Discreet Fathers, he is bound not only to pay from his own resources but is also by the law itself deprived of his office. So decreed at the General Chapter of 1660.*

5. *In convents where there are only four or three religious members of the household, an Economist may be created with the same power as the Prior in place of a Prior; he shall take precedence over Masters and others senior to him. So decreed at the General Chapter of 1708. (Annals, vol. 3, p. 481.)*

ON CHAPTER XXX

On the Conventual Officials

1. *For Fathers over forty to be counted among the Discreets, they must also have been professed in the Order for ten years, as the General Chapter of 1646 decreed. (Annals, vol. 3, p. 92.)*

2. *The General Diet of 1660 established that two Reviewers shall be elected in each convent — or at least one in convents with no more than six voters — before whom all officials, in the Prior's presence, are bound to render their account each month before presenting it publicly in the Refectory, under pain of loss of office. (Annals, vol. 3, p. 240.)*

3. *On the giving of gifts, the Constitution of Clement VIII beginning Religiosae Congregationes of 19 June 1594, the confirmation of Urban VIII of 16 October 1640, and the decrees of the*

General Chapter of 1714 are to be kept in mind. (Annals, vol. 3, p. 566.)

4. *"Procuration" in canon law is the episcopal right to exact support on the occasion of a Visitation.*

ON CHAPTER XXXI

On the Vicar

1. *A Vicar in a convent normally housing twelve voters may not be elected by the Prior if he is under thirty-five years of age. From the General Chapter of 1646. (Annals, vol. 3, p. 92.)*

ON CHAPTER XXXII

On Visitations

1. *In years when no Provincial Chapter is celebrated, attestations must be presented to the Visitors regarding: spiritual exercises performed that year, satisfaction of Mass obligations, and the state of each convent. In years when a Provincial Chapter is held, all these must instead be presented to the Venerable Definitory. From the decree of General Castellio. (Annals, vol. 3, pp. 564, 566.)*

2. *The visitation of the archive is also prescribed by Benedict XIII in his Constitution Maxima vigilantia of 14 June 1727.*

ON CHAPTERS XXXIII, XXXIV, AND XXXV

Nothing.

ON CHAPTER XXXVI

On Most Serious Fault

1. *The apparent contradiction between this chapter and Chapter V regarding the power of absolution in the case of revealing the Order's secrets was resolved and the sense of both chapters properly explained at the General Chapter of 1720 — as also noted in the annotation on Chapter V.*

ON CHAPTER XXXVII

Nothing.

ON CHAPTER XXXVIII

On Apostates

1. *The faculty of granting permission to remain outside the enclosure with the religious habit retained was removed from Superiors and reserved solely to the Apostolic See, by the Decrees of Clement VIII on the Reform of Regulars, 25 June 1599, §32.*

ON CHAPTER XXXIX

On Order of Precedence

1. *Former Generals shall among themselves observe the order of their election to the Generalate in matters of precedence. So decreed at the General Chapter of 1708. (Annals, vol. 3, p. 481.)*

2. *After the Province of Narbonne, the Provinces of Spain and Germany are to be counted — they are true Provinces, as declared by the General Diet of 1660. (Annals, vol. 3, p. 240.)*

3. *All actions taken at Diets or Provincial Chapters held in the same year are declared to be one and the same action, so that no precedence or priority is to be inferred from the sequence of those actions — wisely decreed at the General Diet of 1660 to avoid disputes. (Annals, vol. 3, p. 240.)*

4. *A brother of fifty years of age who has not spent ten years in the Order cannot enjoy precedence over Bachelors. From the General Chapter of 1720. (Annals, vol. 3, p. 690.)*

5. *If between two Reverend Fathers one received the priesthood earlier but the other reached fifty years first, the latter has precedence over the former. And where both Bachelors and Reverend Fathers are in competition, precedence belongs to the one who first reaches fifty years. So declared at the General Chapter of 1708. (Annals, vol. 3, p. 479.)*

6. *The General Diet of 1660 and Alexander VII (23 February 1660) had decreed that novice-clerics should precede in public places and processions all lay brothers — even professed. A different custom later prevailed, decreed for its own reasons by General Bertazzoli. (Annals, vol. 3, p. 552.)*

ON CHAPTER XL

On the Conventual Chapter

1. *Every Friday the Chapter shall assemble and brothers shall confess their faults — also decreed by the General Chapter of 1714 with the approval of the Sacred Congregation for regular discipline. (Annals, vol. 3, p. 567.)*

2. *At present in convents where major studies flourish, officials are no longer elected by the full Conventual Chapter but only by the votes of the Discreet Fathers and other household priests who have completed forty years. From the General Chapter of 1756.*

3. *Even in the presence of the General or Provincial, the Prior may confirm elected officials with the Sign of the Cross, and may impart other blessings for departure from the house or others requested by his brothers. Chapter XXIX's provision that the Conventual Prior shall not bless the*

brothers in the General's or Provincial's presence does not contradict this. So declared by the General Chapter of 1720. (Annals, vol. 3, p. 690.)

***4.** When any office falls vacant, the Prior is bound to convene the Conventual Chapter within fifteen days, and may not in the meantime substitute anyone — under pain of loss of the Priorate and of active and passive voice incurred by the very fact. From the General Chapter of 1652. (Annals, vol. 3, p. 213.)*

***5.** On the prevention of canvassing, see the decrees of the General Chapter of 1714. (Annals, vol. 3, p. 566.)*

ON CHAPTER XLI

On the Provincial Chapter

***1.** By Apostolic indults, General Diets were substituted for Provincial Chapters in years when the Provincial, Companion, and General Definitor were not to be elected; and Clement IX by his Bull Injuncti nobis of 21 February 1669 granted the faculty of celebrating them in perpetuity. They were subsequently abolished by the General Chapter of 1714, then repeatedly restored. The General Chapter of 1756 finally decreed them to be entirely abolished.*

***2.** The General Diet of 1660 allowed convents having more than four voters but fewer than twelve to send one Discreet to the Provincial Chapter. (Annals, vol. 3, p. 240.)*

***3.** The faculty of Regents having a vote in their own Province's Chapter while residing in another Province is restricted to Regents of major studies only, and only provided they do not already have a voice in the Province where they reside. From the same Diet.*

***4.** It was asked at the General Chapter of 1720 whether non-Master Provincial Definitors, as well as non-Master Conventual Priors, retain active voice in the same Provincial Chapter after the election of new Definitors. Answered: affirmatively for both. (Annals, vol. 3, p. 690.)*

***5.** Three questions were put at the General Chapter of 1708 regarding the presiding officer: (1) if*

neither the General nor his Vicar is present at a Diet or Chapter, the Provincial with the whole Definitory shall carry out everything in the customary way, but acts shall not be published or executed until confirmed by the General; (2) if the General Definitor is also absent, the senior Master among the Provincial Definitors presides; (3) a perpetual Definitor may indeed be substituted in the Provincial Definitory for an absent Provincial Definitor. (Annals, vol. 3, p. 431.)

6. *When two candidates tie in any election, the presiding officer shall prefer whichever he judges worthier — so declared at the General Chapters of 1690 and 1708. (Annals, vol. 3, pp. 353, 481.) If no one is elected, the Chapter shall reconvene up to three times over two days; if still no result, the General Definitor shall govern the Province until the General consults the Holy See. From the General Chapter of 1690. (Annals, vol. 3, p. 353.)*

7. *The election of Priors and officials — Masters of Novices and of the Professed, Lecturers, Correctors, etc. — is properly an action of the Definitory, not of the Chapter, even though it takes place on the occasion of the Chapter. From the General Chapter of 1720. (Annals, vol. 3, p. 690.)*

8. *No money may be exacted by any Prior — including the General — for any writing, seal, or patent letters of any kind. So decreed at the General Chapter of 1714. (Annals, vol. 3, p. 566.)*

9. *The election of the Provincial, Companion, and General Definitor shall take place immediately after the Provincial, Companion, and Prior have resigned their offices. From the General Chapter of 1720. (Annals, vol. 3, p. 690.)*

ON CHAPTER XLII

On the General Chapter

1. *Corsica was erected as a Province by decree of the General Chapter of 1708, but by the General Chapter of 1714 it was ordered to revert to the old order; then the Sacred Congregation of Bishops and Regulars decided in favor of the 1708 decree. (Annals, vol. 3, pp. 479, 563, 586.)*

2. *The Province of Narbonne was granted the faculty of sending three free voters to the General Chapter by the General Chapter of 1714. (Annals, vol. 3, p. 563.)*

3. *Sardinia was granted a vote at every General Chapter by the General Chapter of 1708. (Annals, vol. 3, p. 481.)*

4. *The German convents were first erected as a Province by the General Chapter of 1646; in 1652 the Province was granted the faculty of electing a Companion and General Definitor with a voice at General Chapters; in 1714 the Province was divided into Tyrolean and Bohemian Provinces; subsequently the Tyrolean Province was again divided into Tyrolean and Austrian, confirmed by the Bull of Benedict XIV Ad Regularis disciplinae of 15 January 1756.*

5. *The General Chapter of 1714 decreed that as soon as the principal number of voters — especially General Definitors — has arrived, sessions and capitular meetings shall immediately begin to discuss the Order's affairs, so that what needs to be decided can be settled more conveniently and quickly after the election of the new General. (Annals, vol. 3, p. 564.)*

ON CHAPTER XLIII

On the Constitutions

1. *In the Bull of Urban VIII of 23 February 1639, after the words "abolished and void" the following continues: "And since doubt may arise whether these Constitutions, in their commands, bind transgressors to mortal sin, all shall know that they do not bind transgressors to mortal sin if contempt is absent and the transgression has not passed into habit — and this only unless what is commanded pertains to the precepts of God and the Church, or to the observance of the three vows." But the second Bull of the same Pontiff of 15 October 1643 ordered the deletion of the words "if contempt is absent, or the transgression has not passed into custom" — which is why those words do not appear in the Constitutions themselves, but the explanation survives here in the annotations.*